
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT, DIVISION FOUR

Civ. No. B 069450
(Super. Ct. No. BC 052395)

CHURCH OF SCIENTOLOGY INTENTIONAL,

Plaintiff-Respondent

-vs-

GERALD ARMSTRONG,

Defendant-Appellant.

On Appeal From Superior Court Of The State Of California
County of Los Angeles
The Honorable Ronald M. Sohigian

APPELLANT'S APPENDIX IN LIEU OF CLERK'S TRANSCRIPT, VOLUME V

993-1292

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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF MARIN

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13 CHURCH OF SCIENTOLOGY)
14 INTERNATIONAL, A California)
15 not-for-profit religious)
16 corporation,)
17 Plaintiff,)
18 vs.)
19 GERALD ARMSTRONG and DOES 1)
20 through 25, inclusive,)
21 Defendants.)

No. 152229

BC052395

DECLARATIONS OF GERALD ARMSTRONG
FILED IN SUPPORT OF AMICUS
CURIAE BRIEF OF JOSEPH A. YANNY
IN OPPOSITION TO PLAINTIFF'S
ORDER TO SHOW CAUSE RE
PRELIMINARY INJUNCTION

DATE: March 20, 1992
TIME: 9:00 a.m.
DEPT: 4

[Filed Concurrently With Joseph
A. Yanny's Amicus Curiae Brief;
Appendix of Authorities In
Support of Amicus Curiae Brief]

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BY NELLY AU, DEPUTY

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FILED**

MAR 17 1992

HOWARD HANSON
MARIN COUNTY CLERK
By A. Cooper, Deputy

A. Cooper

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AFFIDAVIT OF GERALD ARMSTRONG

I, Gerald Armstrong, hereby swear under the pains and penalties of perjury as follows:

1. I became involved with Scientology in 1969 in British Columbia, Canada. In Los Angeles, California in 1971, I joined Scientology's Sea Organization, then the group of the most "elite" of Scientologists who worked directly for L. Ron Hubbard. The Sea Org was then promoted as "Ron's personal org." I remained in the Sea Org until December 1981.

2. Within a week of joining the Sea Org, I was ordered to the "Apollo" or "Flag," the flagship of the organization, then in Tangiers, Morocco. I remained on board, except for a few missions (specific operations or programs given to a group of individuals sent by the Sea Org Operations Bureau to carry out) ashore, until September 1975. Throughout 1972 and 1973, I was the ship's "legal" representative, responsible for dealings with immigration, the port authorities, customs, police, shipping agents, and ship and crew documents. In 1974, I held ship public relations positions and was responsible for promoting the ship and our activities aboard to the local people in the ports we visited. In late 1974, I became the ship's intelligence officer, a position I held until I left the "Apollo."

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3. In the fall of 1975, I transferred from the "Apollo" to a land base being established in Florida. Eventually all the crew and students came ashore to Florida, leaving only a skeleton crew on board to sell the vessel. A temporary base or staging area was set up in Daytona Beach. I worked in Daytona Beach in the intelligence bureau in the Guardian's Office (GO). The GO then contained 4 major bureaux: Intelligence, Public Relations, Legal and Finance. It was the semi-autonomous militant branch of Scientology, all powerful in all organizations. The head of the GO, under L. Ron Hubbard, was his wife, Mary Sue Hubbard.

4. At the beginning of December 1975, I was sent on a mission to set up a communications unit for L. Ron Hubbard in Dunedin, Florida about six (6) miles from Clearwater where the permanent Flag Land Base was then being established. I worked in Hubbard's communications unit in Dunedin until the end of May 1976, when I travelled to Culver City, California to set up another communications unit for Hubbard.

5. In Culver City, because I got into an argument with Mary Sue Hubbard's Communicator (secretary), Hubbard deemed me a "security risk" and had me removed from the property by the US head of GO intelligence, Dick Wiegand. Hubbard had me locked up and guarded for three (3) weeks in the Scientology intelligence

office in Los Angeles. At the end of that time, he ordered me and my wife, Terri, back to Florida, to the Clearwater base.

6. In Clearwater, a telex from Hubbard awaited Terri and me ordering us into the Rehabilitation Project Force (RPF), a virtual prison Hubbard had created for any Sea Org members whom he considered were in violation of or "counter-intention" (CI) to his orders or policies. I spent from July 1, 1976 through December 1, 1977 in the RPF, a total of 17 months. During about a year of my sentence, I was, within the RPF, in charge of it, including all but the last few days the plaintiff, Tonja Burden, spent in the RPF.

7. Shortly after "graduating" from the RPF, I transferred with Terri to the Commodore's Messenger Organization (CMO) unit in Los Angeles. The CMO, in which I was never formally posted, was the Sea Org Unit, comprised mainly of girls and young women who ran messages for the Commodore, L. Ron Hubbard. They were his agents, and their orders had to be obeyed as if they were his. In Los Angeles, I was ordered to retrieve Ms. Burden, from her parents' home in Las Vegas after she escaped from the RPF in Clearwater in mid-December 1977.

8. At the end of December, Terri and I transferred to Hubbard's secret base in La Quinta, California. Hubbard, who had been in hiding in Sparks, Nevada, following and as a result

of the FBI raid on Scientology's intelligence offices in July 1977, arrived back at the La Quinta property at the same time. It had been determined that Hubbard would not be indicted in the Federal criminal case the Government brought against the GO hierarchy for burglaries, theft, and obstruction of justice, and it was therefore safe for him to return to La Quinta, although he still took various security precautions even there. Mary Sue Hubbard, the Controller and head of the GO, and, under Hubbard, in charge of all of Scientology internationally, had been indicted in the Federal criminal case, and she left the La Quinta property within a day or two of his return.

9. At La Quinta, I was primarily involved in film production. Hubbard had written some scripts for Scientology "training" or promotional films and the La Quinta crew, which grew from around 80 to over 150 in 1978, formed the production crew and actors pool. Hubbard ran every aspect of the film-making and personally directed the actors and technical crew on the set. I worked in sets, lighting, the camera unit, was the location scout, and for a brief time, until Hubbard busted me, was in charge of the whole shoot crew as the cine crew chief. I also was, throughout the first few months of 1978, a night guard every second night outside Hubbard's house on the property.

10. Around September 1978, Hubbard again assigned me

to the RPF, this time in a unit which he had established on the La Quinta properties. This assignment was because Hubbard thought I had joked about training drills he had ordered for the shoot crew. On this occasion, I spent 8 more months in the RPF until I was able to get reprieved. The La Quinta RPF mainly worked on renovations and improvements to Hubbard's home: tiling his floors, painting, cleaning and reinsulating the ducting, carpeting, and brickwork for his walkways.

11. Because of his fear that the cover or "shore story" for the La Quinta property was going to be blown ("shore stories" will be dealt with later in this affidavit), Hubbard ordered in the fall of 1978, the purchase of another property, a 550 acre golf course and motel complex at Gilman Hotsprings near Hemet, California. The RPF transferred at the beginning of December to Gilman and began the renovations and decoration of a home and offices for Hubbard on the property. After reprieve from the RPF in the spring of 1979, I continued to work on the renovations project, and by the summer I became the LRH Renovations In-Charge and the head of Hubbard's Household Unit at Gilman. Under me organizationally were Hubbard's steward, carpenter, groundsman, electrician and the LRH Gear In-charge who was responsible for her personal belongings stored on the Gilman property.

12. Although we completed the renovation of his home

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and offices according to his instruction and although he many times indicated his intention to reside there, Hubbard never, to my knowledge, slept on the property. He came there several times in 1979 under very tight security which, while he was at Gilman, I was responsible for. He came to supervise photographic promotional work a number of times, and he came several times to meet with Mary Sue Hubbard at their house. They arrived separately at an appointed time from different locations, and left separately after their meetings. Throughout 1979 Hubbard lived in an apartment complex in Hemet with 10 or so Sea Org staff. This location was kept secret even from the majority of personnel at Gilman, and those of us who did know referred to it only as "x."

13. At the beginning of 1980, a possible raid by the FBI on other law enforcement agency was announced by the CMO at Gilman. In anticipation of this raid, which never occurred, everyone on the property was ordered to destroy anything which showed that Hubbard controlled Scientology, that he controlled bank accounts, that he had been ordering staff at Gilman anywhere to do anything, that he had even been to Gilman, that he intended to reside at Gilman, and anything which showed him in a bad light. Each person was required to go through every paper in his area and destroy any evidence of these facts. A commercial shredder was rented and operated day and night for two weeks. Hundreds of thousands of pages were destroyed; the

shredded paper taken off the property in large trucks.

14. In the middle of this shredding operation, my junior, the LRH Gear I/C came to me with a box of papers from Hubbard's storage and asked if they should be shredded. I looked through them and found they were very old letters, diaries and other papers predating 1950 when Hubbard had begun to build the Dianetics and Scientology organizations. I determined these papers should have no evidentiary value to any law enforcement agency who might raid the property, but had historical value, so I moved them to Hubbard's Personal Public Relations Bureau, then headed by his PRO Laurel Sullivan. I then went into Hubbard's storage and found several more boxes of similar materials.

15. Having worked in PR and Intelligence on the ship and been on Hubbard's personal staff for some time, I was aware of many of the disparaging claims the press and other "enemies" of Hubbard were making about his past, and I felt that with these newly found papers, which even Hubbard's Personal PRO did not know existed, we could document the truth about him for the first time and put an end to the attacks on him, which he continuously stated, were lies. I therefore, sent a petition^{Exhibit A} to Hubbard to gather up all his papers, create an archive, and provide the documentation to a writer to do a major, authoritative biography about his life which would prove through

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solid documentation that his critics were lying. He approved the petition and I transferred to his Personal PRO Bureau and began assembling biographical materials from the Gilman storage, and eventually, from many other sources. A copy of his approval is attached hereto as Exhibit B.

16. I wrote to Hubbard about the materials I had discovered and the biography project a few more times in the first two months of 1980. One of his replies to me, in this case to my delineation of what I was doing and a request from him of what he personally needed and wanted from me, is attached as Exhibit C. Shortly after this, because of his fear that he would be served with a summons or subpoena in any of the lawsuits then being brought by former Scientologists who felt they had been damaged by the organization, Hubbard left "x," and went into deeper hiding with two of his messengers, Pat and Anne Broeker. One of these former Scientologists known at that time to be speaking out against Hubbard's practices and organization conditions was Tonja Burden. I knew about these legal matters because in February of 1980 I was ordered along with Laurel Sullivan, onto a mission, entitled Mission Corporate Category Sortout (MCCS), the purpose of which was to work out a corporate strategy to let Hubbard continue to control the various Scientology organizations, but shield him from legal accountability.

17. Because of attempts to serve Hubbard in several lawsuits, I was instructed by Laurel Sullivan that we could not admit that communications could be gotten to him from the Scientology organizations. I knew this was not true and that he was in continual communication with the organization via David Miscavige, one of his messengers. I received a message myself some months after Hubbard "disappeared," to send him a copy of one of his manuscripts that I had found, and I was able to send it from Laurel to Miscavige to Hubbard. I also knew that Pat Broeker, who was with Hubbard, could be contacted and arrive in the Los Angeles area in a matter of three hours. Nevertheless, because the communication line to Hubbard could not be acknowledged, I did not report to him again about the biography project. I did report to Mary Sue Hubbard a number of times throughout 1980 and 1981 and received from her replies to my reports. One of her replies is attached hereto as Exhibit D. I also obtained a letter of introduction, a copy of which is attached hereto as Exhibit E, from Hubbard's Personal Secretary, Pat Brice to assist me in conducting interviews of Hubbard's relatives.

18. Throughout 1980 and 1981, I assembled an archives of something like 500,000 pages of documentation about the life, writings, and accomplishments of L. Ron Hubbard. A chart showing some of the sources of this Biography Archives is attached as Exhibit F. In October 1980, Hubbard using a Danish

publishing company, actually run by the Guardian's Office under him, contracted with a non-Scientology author, Omar V. Garrison, to write his biography. Pursuant to this contract, I provided Garrison with approximately 100,000 pages of biographical research materials and assisted him with arranging interviews with Hubbard's family members and early friends or associates, getting him needed supplies, and answering his many questions as possible.

19. Through the course of my research from many documentary sources I was able to determine the facts behind most of the significant representations that Hubbard made about himself, or which he had ordered his public relations staff, the GO, recruiters, and sales personnel make about him. Attached as Exhibits G, H, and I are biographical materials written by Hubbard and published and disseminated by Scientology organizations. They were used for public relations, recruitment or sales purposes. I was myself brought into Scientology and the Sea Organization, and kept in the Sea Org for almost eleven years, by the representations made in these materials and others like them.

20. Exhibit G, entitled "L. Ron Hubbard," was published widely in Scientology magazines, and books from the late 1960's throughout the 70's. It contains several claims about Hubbard which deeply impressed me when I was being brought

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- A. That he was in China when he was fourteen, spent the next several years in travel throughout Asia, and studied with lama priests in China and India;
- B. That he graduated in mathematics and engineering at George Washington University; and then became a member of the first US course in nuclear physics;
- C. That he was crippled and blind at the end of the war and fully cured himself with his discoveries;
- D. That it was a matter of medical record that he had twice been pronounced dead.

21. Exhibit H entitled "A Brief Biography of L. Ron Hubbard" was widely circulated in the 1960's and 1970's. It contains many of the representations which influenced me to become involved in Scientology and to work for Hubbard; some were the same or similar to those in Exhibit G.

- A. That he earned a bachelor of science degree from George Washington University in civil engineering;
- B. That he spent several years in travel

- throughout Asia from the age of fourteen, and studied with lama priests in China and India;
- C. That he attended the Princeton School of Government, and obtained a Ph.D. from Sequoia University;
- D. That he excelled in his subjects at university;
- E. That he was the character, and had the adventures of "Mr. Roberts," after whom the movie was made;
- F. That Scientology is an organized body of scientific research knowledge about life and the mind;
- G. That Dianetics and Scientology can raise IQ about one point per hour of processing (auditing). Also that skill and efficiency can be raised. The raises can be tested by very severe regimens and can be found to be stable.

22. Exhibit I, is a policy written by Hubbard entitled "PE Handout." PE or Personal Efficiency Course is an introductory course to get people into Scientology. The policy contains an article entitled "What is Scientology?" which per the policy was to be reprinted separately and was required to be given to new people brought in. The policy was reprinted republished and copyrighted into the 1980's. I used this material myself when trying to sell people Scientology in 1970.

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It contains numerous representations about Hubbard and Scientology which sold me on the man and the subject.

- A. That Hubbard was a civil engineer (CE);
- B. That he was a doctor of philosophy (Ph.D.);
- C. That he was a nuclear physicist;
- D. That he was educated in advanced physics and higher mathematics;
- E. That he was a student of Sigmund Freud;
- F. That Scientology was the first major and complete breakthrough by the exact sciences into the field of the humanities;
- G. That Scientology is the only successfully validated psychotherapy in the world;
- H. That it is a precision science;
- I. That its results are easily demonstrated claims that can be duplicated by competent practitioners at will;
- J. That it is the first science to prove that IQ and intelligence can be improved and are not inherent in a person;
- K. That it is the first mental science to subject itself to the most severe validation tests;
- L. That is it the first science to make whole classes of backward children averagely bright;
- M. That it is the first science to determine the

23. Hubbard promoted himself in much the same way outside of Scientology. Attached hereto as Exhibit J is a copy of Hubbard's autobiographical submission in 1967 to "Who's Who in California." Again, he claims to have a bachelor of science degree in civil engineering from George Washington University in 1934, a doctor of philosophy degree from Sequoia University, and to have served in five theatres in World War II, commanded escort vessels from 1941 to 1946, and been awarded 21 medals and palms. (Palms are small representations of a palm leaf added to a military decoration awarded a second time.)

24. My research throughout 1980 and 1981, however, revealed a very different, and to me shocking picture of Hubbard, his past, credentials, accomplishments and Scientology.

- A. He had not graduated in mathematics, nor was he educated in higher mathematics;
- B. He was not educated in advanced physics;
- C. He did not obtain a bachelor or science degree;
- D. He was not a civil engineer;
- E. He was not a nuclear physicist;
- F. He was not a member of the first US course in nuclear physics;
- G. He did not excel in his subjects at university;

H. attended George Washington University two years, 1931 and 1932. He was placed on probation after the first year, and in the second year his grades deteriorated. He failed both his mathematics courses his first year and got D's when he repeated them the second year. The one course he took in molecular and atomic physics he failed. He did not return to George Washington University thereafter. (A copy of his academic transcript, which I had in the biography archives, is attached hereto as Exhibit K);

I. Hubbard did not pursue post-graduate studies at Princeton;

J. During the war, he attended a less than four month course in military government which was given by the Navy on the Princeton campus.

K. His Ph.D. was from a "diploma mill" and was arranged for him, on his insistence, by early Dianeticists.

L. He was never a student of Sigmund Freud (unless reading something written by Freud made him a "student," in which case most of the literate world is to some degree).

25. I had diaries Hubbard kept of his time spent in Asia and correspondence between him and his parents and

associates from the period, and was able to determine fairly accurately the truth behind his claims about this period.

- A. He was not in China at fourteen and did not spend several years travelling throughout Asia;
- B. He did not study with lama priests;
- C. He was never in India;
- D. He attended school in the United States during the years from 14 through 18;
- E. Hubbard's father, who was a naval officer, was stationed on Guam, and Hubbard travelled twice by ship to Guam to the US and back, one in 1927 and once in 1928. On those trips the ships stopped briefly at various Asiatic ports in Japan, China, Hong Kong and the Philippines. The only time Hubbard travelled into the interior of China was on a tour sponsored by the YMCA given to children of US service personnel stationed in the Pacific. His total time in Asia was a few weeks.

26. I amassed approximately two thousand pages of documentation concerning Hubbard's wartime career: what he was doing, what vessels he was on, fitness reports and medical and VA disability records. The truth is far different from the public representations.

A. He was not crippled nor blinded during the war;
B. He did not cure himself with his discoveries;
C. He was not "Mr. Roberts";
D. He did not command escort vessels from 1941 to 1946;
E. He was not awarded 21 medals and palms;
F. At the beginning of World War II, Hubbard was assigned to Naval Intelligence in Australia. He was there briefly until ordered back to the U.S. as unsatisfactory for the duty, and after his return was transferred out of Intelligence. He had command of two vessels: the first for a month during refit; the second for two and a half months during outfitting and shakedown. He was removed from command of the first for exceeding orders, and from command of the second when he fired the ships' guns in Mexican waters causing an international incident. In a diary he kept through part of the war he revealed that he had had his men lie for him in the Naval Board of Investigation convened to investigate the incident. He claimed to have sunk two Japanese submarines during the shakedown cruise during his second command, but the Commander of the Northwest Sea Frontier, Admiral Fletcher stated in a report, attached hereto as Exhibit L, that "an analysis of all reports convinces me that there was

no submarine in the area." Hubbard spent the last few months of the war in a naval hospital with a duodenal ulcer. He was awarded four standard medals for his wartime service. A copy of a letter from the Department of the Navy listing his naval assignments and medals is attached as Exhibit M. At war's end he was awarded a ten percent disability for the ulcer. In 1946, he appealed the disability award, claiming in addition to ulcers to have "conjunctivitis" or inflammation of the eyes, and an infection in the hip joint contracted as a result of his transition from the tropics to the eastern winter cold. In October 1947 he wrote to the Veteran's Administration asking for psychiatric treatment stating "I cannot account for no rise above long periods of moroseness and suicidal inclinations." In December 1947 at a VA examination he claimed injuries from 1942 from falling off a ladder. In 1948 he was able to get his disability award increased to forty percent for the duodenal ulcer, infection of the eyes, bursitis of the right shoulder and arthritis of multiple joints. In a handwritten document from this period, Hubbard reveals the truth behind his disability claims. He stated: "Your stomach trouble you used as an excuse to keep the navy from

putting you....Your hip in a pose....Your foot was an alibi....When you tell people you are ill, it has no effect upon your health. And in the Veterans' Administration examination you'll tell them how sick you are; you'll look sick when you take it; you'll return to health one hour after the examination and laugh at them. No matter what lies you may tell others, they have no physical effect on you of any kind." The transcript where this was read into the record in the case of Church of Scientology of California v. Armstrong, in Los Angeles, California is attached hereto as Exhibit N. In July and August 1951 Hubbard attended another set of VA medical examinations and complained of the same conditions for which he was receiving a disability pension (and which he would claim in his Dianetics and Scientology promotional literature he had already cured himself of). Attached hereto as Exhibit O are copies of Hubbard's physical examination results, VA reports, and related documents from the period 1941 to 1951. Attached as Exhibit P is a letter from the VA stating Hubbard was still receiving the 40% disability compensation in 1973. Exhibit Q, correspondence between various individuals in the GO, including Mary Sue Hubbard, show that the

Organization and Mrs. Hubbard possessed L. Ron Hubbard's naval documents at least by 1976.

27. As the wide gap between Hubbard's claims about himself and the reality evidenced by the documentation I had assembled became manifest, I attempted to get the public relations and promotion executives on his staff or in organization positions to change the biographical materials being published and disseminated about the man. I critiqued a number of these biographical sketches, about-the-author sections of books, and promotional pieces, pointing out what I knew to be false misleading, unverifiable or hyperbole. One of these "critiques" written to Barbara DeCelle, then the person in charge of republication of Hubbard's works to make more income for him, is attached hereto as Exhibit R. One of the reasons I had gotten into Scientology had been the promise of truth, honesty, and a higher level of ethics, and I considered, when the falsehoods became obvious to me, that we, organizationally, had to correct them and strip them from the literature.

28. In November 1981, when word of my attempts to correct Hubbard's misrepresentations reached the little group of messengers then running the organization for him and attempting to extricate him from all his legal problems, one of them, Norman Starkey, ordered in response that I be sec checked. By this time I also knew the truth about sec checking, or security

checking: that is a brutally accusatory interrogation in which the E-Meter, the electrometer used in Scientology auditing or therapy, is employed as a lie detector. The grilling can go on for hours. The purposes are to intimidate and break the subject, and get from him details later usable by intelligence or security personnel against him. It has nothing to do with therapy or helping anyone. A few days after learning of Starkey's order that I be sec checked, I decided to leave the organization. Before that, I sent a report, a copy of which is attached hereto as Exhibit S, to Cirrus Slevin in the CMO, the person to whom Starkey's report about me had gone. In my report, I again pointed out a number of falsehoods Hubbard had written about himself, and indicated why I had been seeking to have them corrected. By December 1981, I knew that Hubbard would never allow the lies to be expunged from his writings and could never himself face the truth, and on December 12, along with my wife, Jocelyn, I left.

29. Toward the end of my time in the Sea Org, because of my study of the archives materials, I began to perceive that I had been drawn into Scientology and the Sea Org and kept there by a web of lies, by Machiavellian mental control techniques, and by a terrible fear generated by Hubbard and his organization. After I left and was able to distance myself somewhat from the oppressive environment of the Sea Org, and to integrate to some degree, albeit with great difficulty, back

into society, the picture of what the organization actually was and did and had done to me, became clearer and clearer. That I had been defrauded out of money and twelve and a half years of my life, and that I had been abused and my civil rights trampled was obvious. I was broke, broken and confused; nevertheless, I did not wish to attack Hubbard or the organization. I was willing to live and let live. Only when it became clear that I would not be allowed to get on with my life, when I became, right after leaving, a target of organization intelligence operations, and a Black Propaganda campaign to destroy my reputation, and when Hubbard's agents stole a set of valuable photographs from me, did I take a stand against the abusive and criminal practices of his organization. I had become "Fair Game," meaning according to Hubbard's policy by the same name, that I could "be deprived of property or injured by any means by any Scientologist without any discipline of the Scientologist. May be tricked, sued or lied to or destroyed." Scientology has claimed that the policy had been cancelled, but I knew from first hand knowledge that it had not. And what I had done to have this brutal policy inflicted upon me was to do my research work too well, to learn too much, and to try to make known what I had found to improve organization conditions.

30. An important aspect of Sea Org life, and a factor in controlling personnel and keeping them inside and cut off from the outside is the use of "shore stories," the name Hubbard

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gave to cover stories or guises. Before I was sent to the "Apollo" from Los Angeles at the beginning of 1971, I was briefed and drilled on the shore story I was to use enroute. I was to be an employee of Operation and Transport Corporation, Limited (OTC), a business management company. I could not use any Scientology words on the trip and was to deny being a Scientologist. On the "Apollo" I was given a pack of materials about the ship and OTC to study and was examined and drilled on these materials, and had to be able to field questions thrown at me by the Port Captain, the officer responsible for getting the shore story believed by the local people, before I was allowed to go ashore. I had to deny any connection between OTC and Scientology. I had to feign ignorance of L. Ron Hubbard's position on board or his control of the operation, and if possible even that he was aboard. I was not to divulge what my pay was if asked but was to offer an evasive answer like "the pay is really good." If asked about religion I was to think back to the religion I had been raised in and answer something about that.

31. When I became the ship's "legal" representative, then Port Captain, and finally intelligence officer, I personally briefed and drilled hundreds of people on the OTC story and other shore stories. Foreign personnel being sent into the U.S. on a mission I briefed and drilled on a cover to explain the various stamps in the passports, then sent them to a

consulate or embassy in a country the ship didn't visit to obtain a "visitor's visa." This was in flagrant violation of immigration laws because the people were in fact going to the U.S. to work, and their statements about what they had been doing up to then were false.

32. Another shore story was projected to get around maritime regulations. The ship could not pass the requirements set by the International Convention for Safety of Life at Sea (SOLAS) for passenger vessels, so Hubbard labelled her a "yacht." By law, however, a yacht could have only a small maximum number of passengers; that is, people paying for their passage and not actually performing crew functions, and we had several times the allowable limit. People coming to the ship for courses or auditing paid to be on board and were not crew. To circumvent passenger vessel regulations, however, we had these people sign the ship's articles as crew, and they were given ship positions on the crew list and issued fake seamen's books. The maritime authorities in several ports questioned the ship's status and our non-compliance with SOLAS requirements and these authorities were "handled" with the "yacht" story and bogus inspections we had done to make it look like we exceeded safety requirements by having a "SOLAS inspection" done although not required to. The fact was the ship was grossly overcrowded with nowhere near enough lifeboat capacity for the complement, which from 1971 through 1975 averaged over 400 people, and most

of the lifeboats themselves were unseaworthy. She was overladen with her Plimsoll or load line completely under water. She was not insured, and in fact, because of her condition, could not be insured. But all of these facts were hidden from the authorities and crew and passengers alike.

33. Even to our families and friends back home, and between ourselves there were shore stories. As soon as I came on board I was briefed that the ship's location, any of the activities and conditions on board, and any difficulties I might be having could not be revealed in any letters. Mail was left unsealed and was read by the Master-at-Arms (MAA) or ethics officer, the person responsible for discipline and punishment, before it was sent off the ship to later be posted from Denmark. If anyone left the ship for any reason, to go on a mission or on leave, his baggage was first inspected by the MAA, or any the gangway guard or quartermaster (QM) and anything which would reveal the ship's location, like clothing labels, cigarettes or toiletries from the countries we visited was removed.

34. There was constant attention to "security" on board, not physical safety, but the "enemy" finding out what we were up to. Any breach of security was dealt with in the harshest way. Every person on board was urged to report anyone else who violated security rules, or any other rule for that

matter. Scientology words could not be ashore, nor could Scientology literature be visible to local people at any time. If local people ever came on board, or inspections done for any reason, a "clean ship drill" was called and all crew knew to hide any Scientology materials from view. Paper trash was never thrown out in the garbage, but saved until it could be dumped at sea when the ship sailed between ports. No one was allowed off the ship without permission, and there was always a "restricted list" of persons specifically not allowed ashore kept by the gangway QM. Anyone who was considered a security risk, who wanted to leave the Sea Org, or who for any reason was assigned a "lower condition," or "ethics penalty," which at any time could be dozens of crew or students, was restricted to the ship. If a gangway QM allowed ashore anyone without permission, particularly anyone on the "restricted list," the QM would be assigned a lower condition for breach of security. By Hubbard's policy, security violation was assigned "treason," one of the lowest conditions, which carried with it other punishment including loss of "pay," and twenty-five or more hours of "amends," work to be done in addition to the work of one's own job.

35. Although people who resisted Hubbard's policies, or who became seriously ill and unable to work, or who were labelled "deadwood" were from time to time offloaded, meaning they were kicked off the ship or out of the Sea Org, when people

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asked to leave they were not allowed to. They were assigned a "lower condition," usually "doubt," and subjected to lengthy sec checks. Usually they were guarded and sometimes locked up. Anyone who announced he wanted to leave was considered "psychotic" and treated as such. He was labelled a "suppressive person," meaning in Hubbard's "mental technology" that he was one of the 2½ most evil people in the world and "destructively antisocial." Although people finally did leave the ship if they persisted in their demand to go, it was only after they had been thoroughly sec checked, signed waivers, bonds, releases, lists of their "crimes" excerpted from their auditing files, and promissory notes for all the auditing and courses they had taken while in the Sea Org. From time to time individuals being held on board would "blow," meaning escape, and jump ship and attempt to get away. Usually they were brought back before they could complete their getaway. Everyone's passport was kept locked up on board by the ship's representative so it was extremely difficult for anyone who did manage to get off the ship to get back home as he would have no travel documents. Such people, if desperate enough, would make their way to a consulate and attempt to have a new passport issued. Knowing this we staked out the consulate the person was likely to go to and were usually able to retrieve them before they approached any consulate officials. I was involved in numerous such recoverings of "blown" crew or students. If the person got to the consulate and told his story it was considered a serious "shore flap" or

danger to security, as the facts that he had been held against his will and refused his own passport would emerge. In that event, we would carry out a "dead agent caper" against the "blown" person. The "dead agent caper" meant to "counter-document" anything derogatory someone (it originally applied to enemy "agents") was saying about you so that the person is not believed and as an "agent," is "dead." The person who went to the consulate would be "dead agented" or "DAed" with a story that he had stolen money or been a troublemaker or similar so that his story about conditions on board would not be believed. There were a number of such occurrences while I was on the Apollo working in the Port Captain's office.

36. The idea that there were enemies of Scientology, that these enemies were "suppressives" who sought to destroy anything which helped mankind, and that these enemies dealt in lies about Hubbard and Scientology which had to be "dead agented" was something which permeated all of Scientology but was, at Flag, at the top of the Sea Org, a constant awareness. Hubbard wrote continually about "the enemy," the "war" we were fighting, the need for vigilance, dedication and sacrifice. Psychiatrists, psychologists, doctors, international bankers, intelligence agencies, Internal Revenue Service, the press, government, consular officials and later even scientists: these were the "enemy." these were "suppressive persons." He wrote that they drugged and hypnotized people and sent them into

organizations to then pretend to go insane with Scientology treatment or that they were sent in to spy on our activities. We were continually warned to be aware of infiltrators or "plants," and from time to time "plant checks," special sec checks to locate plants were done on staff. This group of "enemies" Hubbard stated were the "merchants of chaos," profiting from the illness and insanity they created. The "enemy" was a multibillion dollar conspiracy , and we, with the only workable mental technology on the planet, were the last hope mankind had. This "enemy" and the threat to everyone was what we all were told necessitated the tight security and the severe discipline, and was in part why I at least tolerated the miserable conditions. Through time, however, Hubbard's perceived "enemies" more and more became people close to him, staff members, people who had been completely dedicated to him for years. Purges occurred and these dedicated people were themselves labelled "suppressive."

37. Out of his fear of the "enemy," Hubbard created in 1966 the Guardian's Office (GO), and headed it with his wife, Mary Sue. Three years later, after the creation of the Sea Org, Mary Sue became the Controller, and Jane Kember became the Guardian under her. The operational headquarters of the GO was "Worldwide" (GOWW) located at Hubbard's former home in East Grinstead, Sussex, England. Under WW was the "United States Guardian's Office (USGO), responsible for GO activities in the

United States. Each Scientology organization had attached to it a local GO, which reported to the "continental" GO, which reported to GOWW, which in turn reported to the Controller and finally Hubbard. The GO was semi-autonomous in that it did not follow normal organization lines and operated on its own secret policies called Guardian Orders, Guardian Program Orders, Guardian Finance Orders and other GO internal issue types. The GO was all-powerful in every organization except where its activities would counter Hubbard's explicit orders. He operated the GO via his wife, much as he operated the Sea Org via his messengers and personal aides. Within the GO were four main bureaux: intelligence, public relations, legal and finance. The most powerful of these was intelligence, and it was intelligence which waged a secret and vicious war on the "enemy."

38. GO intelligence, also known as "B-1" as it was Bureau One in the GO organization structure, contained two branches: Branch 1 was external, Branch 2 was internal security. Hubbard patterned B-1 after the system developed by Reinhard Gehlen, the World War II Nazi spy master. When I was the intelligence officer in the Port Captain's Office on board the Apollo in 1974 and 1975, I was for most purposes directly junior to Brian Roubinek, the Assistant Guardian for Intelligence (AGI) in the Flag GO. Roubinek brought on board with him the "Information Full Hat," the GO intelligence

training manual for B-1 personnel, and gave it to the Port Captain's Office for our training. Attached hereto as Exhibit T is a copy of the manual's "checksheet," which lists the policies to be studied and drills to be done as individual steps in the training. The use of "Information" for "Intelligence" is itself a shore story to cover what the intent and practices of B-1 actually were. The Policy Letter "Intelligence and Security" attached hereto as Exhibit U shows that "information" is "intelligence." The types of operations carried out by B-1 against Hubbard's perceived enemies and what I was instructed in by the AGI Flag, are shown by the report on "Successful and Unsuccessful Actions," attached hereto as Exhibit V, and also appearing on P. 6 of the manual, written by the Deputy Guardian for Intelligence at WW, Mo Budlong, to the Guardian, Jane Kember. Budlong was the head of the B-1 network under Kember. The report lists among the successful actions: using 2D on someone high in the government to seduce them over to our side (2D means sex); infiltrating an enemy group; covert third partying (meaning starting conflicts between individuals or groups with rumors, the source of which remains hidden); forgeries; direct theft of documents.

39. In addition to being the Controller, over top of the Guardian's Office, Mary Sue Hubbard was also referred to as Commodore's Staff Guardian (CSG) and had yet another official position, Deputy Commodore. As CSG, she was part of the

Commodore's Staff, a group of approximately 10 executives who were the Commodore's, Hubbard's, personal staff, and were the senior management body under Hubbard in all Scientology. As CSG, Mrs. Hubbard also had the responsibility of coordinating GO and Sea Org actions. Any correspondence from anyone on the ship into the GO network, except directly to the Flag GO once it became established on board, had to be sent via Mrs. Hubbard by her order. As Deputy Commandore by policy she replaced Hubbard as head of the Sea Org whenever he was absent. At all times, however, up until her removal as Controller in 1981 due to her conviction and sentencing in the Federal criminal case brought against the hierarchy of the GO for burglarizing Federal agencies, theft and obstruction of justice, she was the second in command of all Scientology organizations, answerable only to L. Ron Hubbard.

40. There was not one activity in the Sea Org, or in Scientology organizations everywhere which Hubbard did not control. That is not to say that he cooked the meals or personally decided where each person slept, but could at any time he wished do these things, and these things and every detail of Sea Org life were done or established pursuant to his policies and orders. His control on board the "Apollo," and in the land bases he moved to after 1975 was effectuated on a direct, immediate and verbal basis via his messengers, the CMO. They ran between Hubbard and all other crew and students,

relaying his verbal orders and reporting back to him the recipients' answer or compliance. The CMO also took care of many of Hubbard's personal needs and desires, but their primary duty was running his verbal orders and getting compliance to them. The messengers acted as if they were Hubbard; they were trained to deliver his verbal messages exactly as he stated them, including with the identical intonation and emotion. Their orders could not be disobeyed. Non-compliance with any order was punished with at least a lower condition of "liability" with ten hours or more of "amends" work and no liberties. To get out of the condition of "liability" required petitioning each crew member individually and obtaining a majority approval. Usually, non-compliance with an LRH order was dealt with far more severely than this, and intentional non-compliance was almost unheard of. It was the duty of anyone receiving a verbal order from Hubbard, directly or via a messenger, to report the order in writing to the LRH Personal Communicator (LRH Pers Comm) who would record it in the log of Hubbard's orders he maintained and for which he also had a duty to enforce compliance. Written orders from Hubbard to anyone went via the LRH Pers Comm, not the messengers, at least until 1976 and in some matters thereafter, and these too were logged for compliance. The CMO maintained a separate "Messenger Log" which contained all Hubbard's orders handled by the messengers, as well as a record of when Hubbard worked, slept, ate, what activities he was involved in at any time, and what messengers

were on which watch. There were four six-hour messenger watches daily, and usually three messengers on each watch. They remained with Hubbard or within yelling range at all times, including waiting outside his quarters throughout the night as he slept until he called them when he waked.

41. His control of the various land based Scientology organizations and personnel was effectuated through the two major organizational arms: The GO and the Sea Org. The GO, which Hubbard controlled through Mary Sue Hubbard, both by his policies which governed its structure, planning and programming, and by his orders directing specific actions or operations, dealt with external matters, those areas or problems which potentially could prevent the non-GO Scientology service organizations from doing their jobs, which was selling auditing and courses and making money. The public groups the GO was responsible for included the press, government, legal and "opposition groups." The GO, by its mandate from Hubbard, called the "LRH Heavy Hussars Hat," could, however, move into and take over any part or function in any organization on a by-pass of the Sea Org executives normally in charge. The GO executed tremendous control throughout all of Scientology and was, until around 1981 the most powerful of Hubbard's two main control lines.

42. He effectuated control of the normal service

organization functions; that is, advertising, sales, auditing, courses and income-generating actions, through an elaborate heirarchical management system. Directly below Hubbard and forming part of his personal staff were the Commodore's Staff Aides, one assigned to each of the seven standard divisions in all Scientology service organizations. The CS Aides, including Mary Sue Hubbard as CSG, formed collectively the Aides Council which had a strategy coordination function under Hubbard. Beneath the CS Aides, and utilized by them and Hubbard in the management of all service organizations were the Flag Bureaux (FB). The FB originated and operated programs for each service org internationally. A program is a series of steps or targets, orders to be carried out by individuals named in the program as responsible for each target. The FB also briefed, fired and operated missions; that is, small groups of personnel sent on mission orders, which, like programs contained a series of targets, to perform a specific task and return to base. Another FB Unit was the External Communications Bureau which sent and received all telexes and written correspondence for the flagship, and all Scientology management. Telexes, which were always coded, and mail were sent and received daily. Beneath the FB organizationally during the 1970's were the Flag Operations Liaison Offices (FOLO's) one in each of the geographical areas in which there were Scientology service orgs. The FOLO's were manned by crew considered Flag staff, and had the responsibility, as the link between the FB and service

orgs, to relay communications and get Flag's programs executed.

43. Another channel by which Hubbard directly controlled Scientology orgs and activities was the LRH Communication (LRH Comm) network. An LRH Comm was posted in every organization or franchise internationally and were headed by the Flag LRH Comm (CS-7). The LRH Comm network was, similar to the GO, an "autonomous network," and the LRH Comm in any organization was not under the local organization executive director, but subject only to the orders of his network seniors. Every LRH Comm had as his duties to get compliance with Hubbard's orders, enforce Hubbard's policy letters, and to take whatever actions were necessary to carry out Hubbard's intention for the organization.

44. Hubbard had complete control of Scientology finances, both through his policies and directly. Anything he ordered be bought would be immediately on the basis of his "LRH order." He was the only person in the organization with that power. Anyone else needing to purchase anything to do his job had to get a purchase order approved in a budget by the Financial Planning (FP) Committee. The budget then had to be approved by the Treasury and Finance Bureau executives, and finally by Hubbard, if he chose to. Even on the flagship which was collecting money from all service organizations internationally and was holding millions in Sea Org reserve

funds, Hubbard would at times initiate an austerity campaign and reduce allocation of many budget items. There were times the ship ran out of toilet paper, and other times when the Clearwater Flag Land Base (FLB) was set up he order that everyone eat only rice and beans. There were many times on the "Apollo" when just to be able to do my job I paid for my own transportation and bought customary gifts for officials in the ports out of my own pocket, even though I was being paid only ten dollars per week, because I could not get approval for these necessities in the FP budgets. Hubbard set crew "wages" and had wages docked if he considered someone was not performing well on post. While most crew were kept impoverished, and unable to buy clothes and the barest of necessities, Hubbard was fleecing the Scientology organizations of millions of dollars through a Liberian "desk drawer" corporation called Religious Research Foundation (RRF). Non-U.S. students and people coming for auditing to the Apollo, and later the FLB, paid their money for services purchased to RRF, not the Church of Scientology. These funds did not then show up in Scientology account books. Hubbard had complete control of RRF, and transferred millions to himself from this phony corporation. The money being taken in by RRF, which provided no service to anyone, should have been paid to the Church of Scientology of California, a U. S. corporation, which was claiming to the Internal Revenue Service during theis period that the flagship Apollo was its "marine mission."

45. During this period, when millions of dollars of Scientology funds were inuring to Hubbard in fraudulent transactions from shell corporations, he was disseminating to staff and public paying customers a totally different picture, another shore story. In a promotional piece, entitled "What Your Fees Buy," attached hereto as Exhibit W, distributed widely and used by Scientology salesmen when selling auditing and courses, Hubbard wrote the bald-faced lie, "the fees you pay for service do not go to me." He stated, "I draw less than an org staff member" draws only about four pounds a week." (This is the \$10.00 per week we received on board.) He claimed that he was not even receiving royalties for his books. It was not until almost the end of my Scientology "career" that I learned that Hubbard's statements about his income from Scientology were lies, and that like thousands of other staff who had labored in disgraceful conditions for paupers' wages, which he set, I had been cruelly defrauded.

46. The disparity between the way Hubbard lived and was treated on board and the conditions and treatment of most of the crew was enormous. He had a spacious stateroom, as did Mary Sue Hubbard, a large auditing room, a sumptuous office, which was referred to as his "research room," and an enormous and elegant living and dining room. All these spaces were off-limits to crew and students. Hubbard had his own steward,

cook, cleaners, and driver in addition to the messengers who catered to his every whim. Mrs. Hubbard had her own steward, as did the Hubbard children. The Hubbards ate separately from everyone else and ate different food prepared in their own galley by their own cook. Much of the Hubbard's food was flown in with couriers from the United States, whereas crew food was purchased locally. Some of the top executives among the crew shared small cabins and married couples generally had a cabin, but for those crew berthed in dormitories, the conditions were very bad. The dorms were cramped, bunks had been installed three high, there was virtually no room to store personal belongings, the ventilation was inadequate, the spaces smelled, and they were roach-infested. Much of the ship was roach-infested and despite attempts to get rid of them, including a "roach derby" initiated by Hubbard in which messengers fined any crew if roaches were found in their work or berthing spaces, the roach problem remained until we all moved ashore in the fall of 1975. In the last year or so of the Apollo's operation as the flagship, as the on-board complement grew and berthing space shrunk, due to the ever-expanding need for offices and work areas, many of the crew were forced to sleep above decks wherever they could find a spot. If it rained too hard they picked up their blankets and moved inside into crew dining rooms.

47. The demand for production and the threat of

punishment for low production were so great at all times that much of the crew existed in a state of continual exhaustion. For years, I averaged something like four hours of sleep a night and many others had to work equally long hours. Although there was an official schedule for crew, it was impossible to adhere to it because of the work load imposed by Hubbard and senior executives. As most of the crew could not afford decent clothing, many worked in virtual rags. Clothes had to be washed in buckets and there were no drying facilities aboard. Many crew members did not care for themselves hygienically and body odor, especially in the dormitories, was at times oppressive. Because space was so limited and holds, which should have contained crew baggage, had been turned into mimeograph, file rooms, or RPF berthing, there were, except in the Hubbards' areas, piles of clothing, personal belongings and junk all over the ship. As I had the job of promoting the shore story to the local people in the ports we visited; that is, that we were Operation and Transport Corporation, a highly successful business consultant firm with the world's most effective management technology, the crew and ship appearance was a continual problem and embarrassment to me.

48. Crew medical and dental needs were given a low priority, far back of production and discipline. Unless crew members were badly injured or seriously ill, they did not go to the doctors. And if they developed a protracted illness, they

were labelled "clinical," and usually offloaded. Individuals with cancer, even ulcers, both conditions which Hubbard claimed to be able to cure with Dianetics and Scientology auditing, were offloaded rather than treated. Crew who became sick and unable to work had their pay docked for whatever days they missed. Hubbard also railed against medical doctors in his writings, claiming that they destroyed lives, and had a vested interest in people getting ill, and this created an aversion in Scientologists, certainly in myself, to medicine. The Sea Org administrative procedures also made getting medical or dental treatment, difficult. It was hard to get off post for any reason, and even more difficult if one's statistics were down. Statistics, the record of the amount of production done, had to be maintained by each crew member, and "ethics conditions" were assigned on the basis of the person's statistics. The statistics had to keep going up or the person would get in "ethics" trouble. And with down statistics in a given week, it would be almost impossible to get off the ship. Also, to get medical or dental attention, unless it was an emergency, a crew member would have to petition his seniors for permission, and then would have to ensure there were sufficient funds allocated in the medical float. I personally was denied both medical and dental attention on separate occasions when I requested it while in the Sea Org and was told it was because there was not enough money.

49. Although the conditions aboard were so abominable they would shock any normal person's sensibilities, they remained that way because crew had no possibility of changing them. The conditions were set by Hubbard, and crew were kept from changing any of Hubbard's policies or orders by his system of discipline and punishment he called "ethics." The purpose of the Sea Org was stated officially as "to get in ethics on the planet"; that is, to make the world a more ethical place. "Ethics" was ever-present in the Sea Org, as a common word, concept, department and force. "Ethics offenses" were met with "ethics penalties," which ranged from the "lower conditions," - "liability," "doubt," "enemy," "treason," "confusion," and "no condition" - each of which required many hours of "amends" labor be done while still maintaining one's own post production to a "suppressive person declare." The extent to which ethics penalties were taken is shown by the "Fair Game Policy," attached hereto as Exhibit X, which stated:

"Enemy - SP (Suppressive Person) Order. Fair Game. May be deprived of property or injured by any means by any Scientologist without any discipline of the Scientologist. May be tricked, sued or lied to or destroyed."

Scientology has claimed that "Fair Game" was cancelled by the policy letter from Hubbard attached hereto as Exhibit Y. This policy states, however, that the use of the term was cancelled, but the "treatment or handling of an SP" was not. Complaining about a policy or conditions was an ethics offense. Crew and all

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Scientologists were expected to report on one another, wife on husband and children on parents. anyone failing to report a violation of policy or even someone upset or unhappy would himself be punished. Hubbard created an atmosphere of distrust, fear and oppression among all staff. It was called "nattering" and was dealt with very severely. A person soon learned to not complain, and certainly to not question Hubbard's policy, because any counter-intention exhibited toward his policy was also a serious offense. In the Sea Org, what Hubbard called "ethics," was not ethics at all, but threat and terror to enforce blind obedience. And Hubbard, who was continually lying about his past, his accomplishments, his income, and what Scientology really did, was himself supremely unethical.

50. He also used the auditing procedure, by which he claimed to be freeing people, to subtly program them to not even think a critical thought about the deplorable conditions in which he kept them. During any auditing therapy session, if the person undergoing the auditing, the preclear or "pc," makes any critical comment, the auditor will immediately demand of the preclear any overt, that is, any intentionally harmful act, he has committed. In Hubbard's system, any criticism meant that the person making it had a hidden undisclosed crime. One of his bulletins, "Session Must-nots," attached hereto as Exhibit 2, states this point:

"When the pc is critical of the auditor, the organization or any of the many things in life, this is always a symptom of overts priorly committed by the pc.

"This is a sweeping fully embracise statement - and a true one. There are no criticisms in the absence of overts committed earlier by the pc."

Very soon after some auditing in the Sea Org I learned that any criticism I had meant I had done something bad, and after a while, I even was stopped from thinking any thought critical of Hubbard or the organization. In Hubbard's dictionary of Scientology terms, a "critical thought" in fact is defined as "a symptom of an overt act having been committed." The page with this definition is attached as Exhibit AA. This concept, although programmed into people in auditing pervaded every part or aspect of the organization. So the criticisms of a crew member who complained of too little pay, bad living conditions, or harsh punishment were not listened to, but rather he would be investigated or sec checked for his "crimes." By contrast, however, it could never be thought that Hubbard, who was constantly critical of doctors, judges, scientists, psychologists, government, teachers, and especially Scientologists, and Sea Org members, had himself committed crimes or overts, because such a thought about him was clearly "critical." Thus, he achieved almost absolute mind control.

51. He was, through the same mental manipulations and by bringing staff along through various levels of deception,

able to get them to commit antisocial acts they never dreamed of when they entered Scientology. One of the most heinous activities of the organization is the use for intelligence, security and extortion purposes of the statements made by preclears to their auditors during the auditing process, in what the preclears think is complete confidence. Only in late 1975 did I learn of the practice. At that time, I was working in the Guardian's Office in Daytona Beach coding and decoding telexes. Every day there were telexes from GO's in organizations around the world to the Flag GO with information about individuals taken from their preclear folders. If I had known that information divulged in auditing was not confidential but would be freely viewed, excerpted, disseminated and used by the GO, I would never have gotten into Scientology. But I learned of the practice six years later, and by then made no choices for myself. Later still, when I was in the RPF, on orders from the GO, I personally participated in this practice, "culling" the pc files of people who requested to leave or whom the GO considered security risks. A person's pc file, or auditing file, contains everything the preclear says to his auditor during "therapy," taken down in note form longhand. It contains the preclear's whole life, especially the times of upset and emotional change. The GO ordered culled from the preclear's files any crimes, any sexual incidents, any drug history, and any embarrassing facts. For people who requested to leave the Sea Org, these things were typed into a "crimes list" which they had to sign before being

allowed to leave. I received similar orders to "cull" pc files from the CMO, both in Clearwater and in La Quinta, California. I know for a fact that my own preclear files have been culled by GO intelligence since I left the organization and I have attempted to get them returned to me. In an uthinkably preverse distortion of reality, Scientology claims these files are protected by the priest-penitent privilege and refuses to turn them over to the people whose statements they contain, and whose property they are. Yet, in that paradigm, the preclear is the "penitent" for whose protection the privilege exists. Scientology attempts to cover its crime by invoking the privilege it violates.

52. While admitting that preclear files are "confidential," Scientology has claimed that its use of information from "ethics" or personnel files, or from "life history" forms or written "confessions," called overt-withhold writeups or "O/W writeups," to attack people who have left the organization is justified because these files and forms are not "confidential." But that, too, is a distortion of the truth, because people are in fact led to believe these things, like the auditing information in preclear folders, are confidential. Nobody is told when getting into Scientology or the Sea Org that the forms they fill in and the papers in their files will be used against them in every way possible to destroy them if they ever discover they have been defrauded, leave the organization

or seek to obtain redress of wrongs done to them. In fact, people are led to believe these things will not be used in any way outside the organization, and certainly not to embarrass or harm them in any way. That staff would even fill out life history forms, which list sexual activities and partners, and drugs taken, or do "O/W writeups" of "crimes" committed or indiscretions of any kind, is a product of the twisted use to which "auditing" is put. Because a preclear divulges his innermost secrets to his "auditor" in the auditing process, which he is told is absolutely confidential, he becomes willing later to divulge the same "secrets" in other contexts within the organization; for example in "life history" forms or "O/W writeups." He is led along step by step with representations about the honesty, law-abiding nature, and benevolent intent of Hubbard and the organization to place more and more trust in them, trust which will be betrayed in an instant if it serves Hubbard's and the organization's true purposes: the amassing of power and wealth.

54. The betrayal of the trust placed in them and failure to deliver what they promised people is what has caused Hubbard and Scientology its many problems. It was not Hubbard's enemies; like all dictators, he invented his enemies to keep staff and followers in line and keep them from finding out they were being lied to. The betrayal of trust began with Hubbard's lies about himself to sell Scientology. It continued with the

failure of Scientology of live up to its promises made to paying customers. It did not cure arthritis, ulcers, cancer and a host of other illnesses as he claimed. Scientology people who have been "cleared" still get colds, contrary to his "scientific" claim. It did not raise IQ a point per hour of auditing. If it had, I would have an IQ somewhere over 1000. It did not increase ability. When I left the Sea Org, after twelve and a half years in Scientology, I was broke with no marketable skills. It did not give me emotional stability, security or confidence. The whole Scientology/Sea Org experience emotionally traumatized me. It consciously destroyed in me the human capacity to trust. The scientific guarantees and the scientific nature of Scientology, the way he represented it when luring me into the organization, were lies.

54. Hubbard's strategem to avoid legal responsibility for his fraudulent claims was to label Scientology a "religion." But that is just another shore story. The initial representations by Scientology salesmen are that it is a "science." The literature is full of such statements. And the promises of what Scientology will do for a customer are stated as "scientifically guaranteed," and are in any case secular representations - such things as increased IQ and ability, improved appearance, curing colds, allergies, headaches, cancer, etc. Staff and customers are told that the religious cover is needed as a defense against Scientology's "enemies."

Scientology is in fact, in its top structure, represented as antithetical to religion, which is considered a humanoid aberration, an insanity. Hubbard's intent in labelling his "science," Scientology, a "religion," can be seen in his letter of April 10, 1953, attached hereto as Exhibit BB, to Helen O'Brien, the head of Scientology in the U.S. at the time. Hubbard writes about the creation of an auditing clinic connected to the HAS, the Hubbard Association of Scientologists, the early Scientology company:

"We don't want a clinic. We want one in operation but not in name. Perhaps we could call it a Spiritual Guidance Center. Think up its name, will you. And we could put in nice desks and our boys in neat blue with diplomas on the walls and 1. knock psychotherapy into history and 2. make enough money to shine up my operating scope and 3. keep the HAS solvent. It is a problem in practical business. I await your reaction on the religion angle. In my opinion, we couldn't get worse public opinion than we have had or have less customers with what we've got to sell."

55. I first met Tonja Burden on the Apollo in 1974. She was a little girl then, maybe thirteen or fourteen years of age, and inexperienced, even for that age. She worked in the CMO on the ship, in the CMO Estates Project Force (EPF), the group which did cleaning and other menial tasks, and as a junior watch messenger, running messages for Hubbard and carrying out all his wishes, under the supervision of more senior messengers. Most of the direct contact I had at that time with Tonja was when she cleaned my cabin. I was then married to

Terri Gillham who was the head of the CMC, and EFF personnel cleaned the senior messengers' rooms. Although I did not know Tonja's exact schedule on the ship, I sometimes observed that she appeared exhausted from lack of sleep. My main impression from that period was that she was terribly overwhelmed and the flippant attitude she sometimes projected was just to cover up the overwhelms. At times, tear would well up in her eyes when things were particularly stressful for her, and she seemed unable to communicate her thoughts at those times. I would not have pressed her to communicate in any case, because emotional problems were left to auditing, and it was unacceptable to sympathize with someone in trouble.

56. When Hubbard's personal staff moved to Dunedin, Florida, I became the Deputy LRH External Communications Aids, and several of the messengers including Tonja worked with me in the LRH External Comm (LEC) Unit. Hubbard created a new shore story for the Florida operation. The properties in Clearwater were purchased by a front corporation, Southern Land Development and Leasing Corporation, and then leased to another phony organization called United Churches of Florida. The Dunedin operation was to be United Churches Extension (UCE). As with the OTC shore story, we were to deny being Scientologists or any connection between United Churches and Scientology. We were to maintain the same level of security as on the ship. Scientology terms were never to be used outdoors and Hubbard was to be

referred to, even in phone conversations only as "the boss." Generally Tonja worked on telexes in LEC, coding, typing, transmitting, receiving, decoding and distributing them to personnel at UCE. Almost all the telexes were originated by or addressed to Hubbard or his wife, who had her Controller's office and staff at UCE as well. At times, Tonja also worked in the mail unit, collecting, logging and packaging the outgoing mail, and unlogging and distributing incoming mail. There were generally three mail and telex runs daily. Hubbard operated all of Scientology internationally from UCE although he concentrated during that period on the setup and operation of the new Flag Land Base in Clearwater, Florida. He operated dozens of missions covering every aspect of the base establishment, including operating on a direct basis all GO activities in Clearwater. At least twice he had the GO executives over to UCE to personally brief them on what he wanted. I do not recall all of the mail and telex traffic I saw for Hubbard during that period as there was such an enormous quantity. Among the operations I do recall, however, were "Program LRH Security - Code Name: Power," which, along with an accompanying letter from Hubbard, and a compliance to "Power," a GO project called "Early Warning System: B-1" is attached hereto as Exhibit CC, and "Operation Goldmine" written by Hubbard, a response to which from the USGO is attached hereto as Exhibit DD. A program folder was maintained for both "Power" and "Goldmine" on LEC, in addition to several other programs Hubbard operated. The "Early

Warning System" GO project, in order to obtain prediction of any attempt to serve Hubbard with a subpoena, ordered the infiltration of the US Attorney's Office in Washington, DC and Los Angeles, the Internal Revenue Service, the District Attorney in Los Angeles, the Attorney General of California, the American Medical Association, the Florida State Attorney General's Office, the local District Attorney's Office, and the local U.S. Marshal's office; and the theft of documents from Federal offices. I was instructed at UCE that if a process server arrived to serve Hubbard, he was to be alerted and the process server physically blocked so that Hubbard could make a getaway. The "Goldmine" report reveals the Scientology corporate machinations being ordered by Hubbard, and that there was, in fact, no corporate integrity.

57. Sometime in February 1976, when the United Churches cover was "blown" in Clearwater, and it was revealed that the whole operation was Scientology, Hubbard fled from Dunedin and went into hiding in Washington, DC. His telexes and mail continued to go via UCE, however, to create the illusion, even to staff in Clearwater that he still was there. From UCE, we relayed them on GO mail lines to the Washington, DC Scientology organization where he had two messengers working in the local GO to handle his mail and telex traffic. Tonja stayed behind and continued to work in LEC with me. I became, along with my wife, Terri, her "guardian" around that time, a

requirement set by the GO to protect the organization from liability for the children living at the base without their parents. It was not a legal guardianship, and it was meaningless in any case as the conditions were set by Hubbard, and no one had any power to change them. AT UCE, as on the ship, Tonja seemed confused about all that was going on, teary-eyed at times, and constantly overwhelmed. I know she was not attending school, and was not being given anything remotely resembling a normal education.

58. In May 1976, was sent to Los Angeles on a mission to set up an LRH External Communications Unit for Hubbard, there, and did not see Tonja until I was returned to Clearwater and assigned to the Rehabilitation Project Force (RPF) in July. And at that time, I could not talk with her because I was an RPF member, and talking to non-RPF crew was forbidden. Hubbard created the RPF on board the ship in January 1974. It was essentially a prison to which crew who were considered non-producers, security risks, or just wanted to leave the Sea Org, were assigned. Hubbard's RPF policies established the conditions. RPF members were segregated and not allowed to communicate to anyone else. They had their own spaces and were not allowed in normal crew areas of the ship. They ate after normal crew had eaten, and only whatever was left over from the crew meal. Their berthing was the worst on board, in a roach-infested, filthy and unventilated cargo hold. They wore

black boilersuits even in the hottest weather. They were required to run everywhere. Discipline was harsh and bizarre, with running laps of the ship assigned for the slightest infraction like failing to address a senior with "Sir." Work was hard and the schedule rigid with seven hours sleep time from lights out to lights on, short meal breaks, no liberties and no free time. They followed a prescribed program of sec checks and ethics penalties. It took months for RPFers to get through the program, to graduate back into crew status. Hubbard used the RPF as threat to enforce obedience on the ship and throughout the Sea Org. He threatened me with assignment a number of times. The RPF was a degrading experience and the possibility of assignment terrifying. When one young woman ordered into the RPF took the assignment too lightly, Hubbard created the RPF's RPF and assigned her to it, an even more degrading experience, cut off even from the RPF, kept under guard, forced to clean the ship's bilges, and allowed even less sleep. Finally, on July 1, 1976, in Clearwater after having me locked up for three weeks in Los Angeles, Hubbard carried out his old threat and assigned me to the new land base RPF. I stayed there seventeen months, finally getting out on December 1, 1977.

59. Around September 1977, Tonja was assigned to the RPF, so I had quite a bit of contact with her again. I had had no contact with her since my assignment because it was a serious offense to talk to any non-RPF personnel. I did not even know

what had happened regarding my quasi-German relationship to her. By the time Tonja was assigned I was the head of the RPF on the inside, and Tonja became my junior. An RPF assignment was an unbelievably traumatic experience. When it happened to me, and I was a grown man, I was so devastated that I went into shock that lasted several days, during which time I could eat hardly anything. It was one of only three times I cried during all my time in the Sea Org, and I was in such heavy grief, my body convulsed uncontrollably. Tonja too, would sink into deep grief in the RPF, and there were other times it seemed to me she was suppressing the overwhelming sadness inside her. There is no way to really describe the RPF experience, the hopelessness, the humiliation, the horror. It seemed to go on forever, the days all identical, no time to oneself, the same blue boiler suits like prison garb day after day, the same questions in endless sec checks. I was a fairly intelligent, somewhat educated adult, already trained to a degree as an auditor, with seven years experience in Scientology, and it took me seventeen months to make my way through the RPF program. For Tonja, a little girl, uneducated, unsophisticated, innocent, and completely untrained as an auditor, it would have taken years. In spite of the hopelessness of her situation, and the oppressive nature of the RPF program, I never saw Tonja quit, or even quit working, and I never saw her become bitter or antagonistic. She remained a decent, albeit broken, young lady. Hubbard's purpose in creating the RPF, and running it as

a prison with the assignees considered criminals, was the breaking of people's wills, the total subjugation of anyone he considered exhibited "counterintention" to his goals. He achieved his purpose with me so well that I thanked him for the opportunity of doing the RPF, much like prisoners of war who are broken emotionally and spiritually in prison through deprivation and mind control techniques thank their captors. Attached hereto as Exhibit EE is a "success story" I wrote when getting out of the RPF, the last requirement before graduating. Evidencing my debased state at the time I thanked Hubbard for giving me my sanity, when in fact, he had done everything he could to take it from me.

60. A week or so after my graduation from the RPF I was transferred with my wife Terri to the CMO office in the Sea Org "Cedars" complex in Los Angeles. A few days later we received a telex from the Clearwater CMO Unit stating that Tonja had fled from the RPF and gone to Las Vegas, Nevada. Terri and I were ordered to get her back. We drove to Las Vegas and found Tonja at her parents' home. She was shocked that we had tracked her down so quickly and she was terrified by us. Terri had been her senior for some years in the CMO, and I had been her senior at UCE and in the RPF, and we both intimidated her. She stated over and over that she did not want to go back. Tears welled up in her eyes. But Terri and I would not be swayed from our purpose. We talked to her mother and father, and intimidated

them with veiled threats of what might happen, how it would be better for all if Tonja came back. We also insisted that Tonja's coming back and "routing out" properly was the most ethical thing for her to do. The truth was our purpose was to get Tonja back, have her sec checked and get her to sign waivers, releases and promissory notes, so she would be rendered harmless to Hubbard and the organization. Tonja was, in fact, considered a significant threat because she had worked so closely with Hubbard and potentially knew a great deal about his control of the organization, and GO intelligence operations. After several hours, and still against her will, Tonja succumbed to our tactics, and we drove with her to Los Angeles. There we turned her over to the Los Angeles RPF where she would be sec checked and made to sign the required documents.

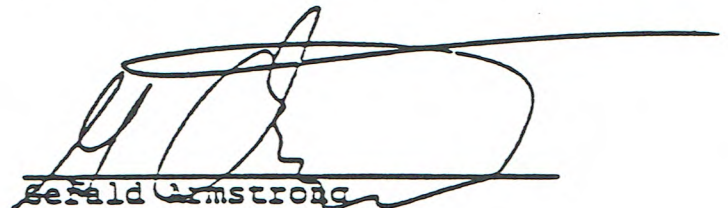
61. In 1980, I was interviewed by the GO about Tonja, who was by then considered a major enemy of Scientology, and who I knew had been a factor in Hubbard's going into deep hiding at that time. An "affidavit," attached hereto as Exhibit FF, was typed up by the GO, and I signed it. It is in part false, and the overall picture it conveys is nothing like reality. Such false statements were expected of all Sea Org staff; they were just more "shore stories" or "acceptable truths," necessary to combat the "enemy." An example of an "acceptable truth" is contained in par. 5 of the "affidavit." People were assigned a condition of "treason" or said to be "in treason." But because

the exact word "treasonous," which Tonja used, was not a label generally attached to people in the RPF, I could write what I did to make Tonja look like a liar. My denial of the E-Meter being a lie detector, and the GO's description of it as a religious artifact in par. 11 is a shore story, and in fact, an outright lie. Even in Hubbard's own policy, attached hereto as Exhibit GG, he states that the "E-Meter is better known as a lie-detector." The statement in par. 12 that "if any individual desired to leave the RPF they were free to do so" is also a perversion of the truth. People could leave, but not without first being subjected to long sec checks, kept under guard, forced to sign waivers, releases, promissory notes and confessions of "crimes" excerpted from their auditing files, segregated, humiliated, and generally terrorized so they would be no threat after leaving.

62. What I did to Tonja, coercing her back to Los Angeles to subject her to sec checks and force her to sign documents, and signing myself a false statement against her was cruel and shameful. It shows the desensitization which had occurred to me over the years of oppression under Hubbard. Tonja was a young, innocent girl, herself brutalized by Hubbard and his organization, yet I perceived her as a "suppressive person," and "Fair Game," and any act against her, any trick, any lie, anything to destroy her, as laudable. It was only after studying the facts of Hubbard's life revealed in the

documents I assembled in the biography archives that I realized what Hubbard had done to me. And then, like Tonja, because of what I knew, I became "Fair Game." Since leaving the Sea Org, I have been sued by Scientology, assaulted by a private investigator hired by them, run into bodily by a car driven by another private investigator, an attempt was made to involve me in a freeway "accident," I was followed and harassed day and night for over a month, four attempts have been made to bring false criminal charges against me, my marriage has been destroyed, my best friend was used to set me up in intelligence operation, false "sworn" statements have been made against me by Scientologists and Scientology lawyers, and my life has virtually been destroyed.

Signed under the pains and penalties of perjury this
19th day of March, 1986.



Gerald Armstrong


COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

March 19, 1986

Then personally appeared before me the above named
GERALD ARMSTRONG and acknowledged the foregoing instrument to be
his free act and deed.

Before me,



Notary Public

My Commission Expires: 3/31/89

11-1-86

DECLARATION OF GERALD ARMSTRONG

I, Gerald Armstrong, declare:

1. I am making this declaration in support of an opposition to plaintiff organization's motion for summary adjudication.

2. The organization's motion deals with a serious issue, one which affects the life of potentially thousands of individuals, and one which has become for me emotionally devastating and mind-altering, in a manner which is illogical and perverse. The realization that the people behind this motion and behind all the pc file violations; that is, the attorneys and the few who control organization money, will stop at nothing, no lie, or perversion of reality, no act, to, as Hubbard ordered, ruin me utterly, has some time ago gone far beyond a passing thought.

3. Mr. Peterson's argument in the summary adjudication motion is that "by 1978 (I) knew, or reasonably should have known" about the violations of my pc files, and that because my cross-complaint was filed in September 1982, my causes of action for fraud, intentional infliction of emotional distress and breach of contract as they relate to the organization's violations of my pc files are barred by applicable statutes of limitation. Mr. Peterson twists what I knew in 1978 with what I knew in the fall of 1981 and what I learned subsequently. The

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1 whole statute of limitations argument is rendered ludicrous,
2 however, by the fact that the organization and its attorneys
3 have continued both the fraud of promised sanctity of pc files
4 and violation thereof right up to the present time. Attached
5 hereto as Exhibit A is a copy of the organization's "objection
6 to release of preclear files "dated July 3, 1986 filed with this
7 Court. At p. 2 of this document, organization attorney Donald
8 Randolph states: "only within the last few weeks have these
9 files been copied, indexed and reviewed by counsel." Mr.
10 Randolph included in the "objection" several pages of statements
11 he gloats were culled from my pc files. I have blacked out
12 these statements in the document copy attached.

13
14 4. Attached hereto as Exhibit B is a copy of a
15 declaration dated December 18, 1983 which I wrote to support a
16 motion to get my pc files delivered to me. At p. 8 I state, "I
17 do not waive the (priest-penitent) privilege, and in fact I
18 insist upon it." In a demonstration of the organizations's
19 malevolent intent, Mr. Randolph asks this Court a p. 5 of the
20 "objection" to "require Armstrong and his counsel to provide a
21 waiver of the priest-penitent privilege." To veil the
22 organization's antisocial acts with an illusion of legitimacy,
23 Mr. Randolph states at p. 6 of the "objection" that if I even
24 obtain copies of my pc files (part of which I do now have) the
25 organization "will be forced against its wishes, to utilize the
26 same documentation in its defense as evidence of Armstrong's
27 character and perjurious statements." This is blackmail. And
28 it is the clearest proof of the sanctity fraud, the 001056

1 organization's actual policy regarding use of "confidential" pc
2 file information against the pc, and the basic fraud of Hubbard
3 and his creation.

4
5 5. Attached hereto as Exhibit C is a declaration dated
6 July 14, 1985 written by Frank K. Flinn, B.D., Ph.D., the
7 organization's "religious expert." This declaration was filed
8 in this case along with the organization's "response," of July
9 30, 1985 to the Court's July 2, 1985 Discovery Order. At
10 pp. 18-20, Dr. Flinn compares Scientology's policies and
11 practices regarding the "sanctity" of pre-clear files with those
12 of other "religions."

13
14 "Another religious practice of the Church of
15 Scientology which has come under scrutiny is the issue
16 of the confidentiality exercised with respect to the
17 auditing records of members and especially of the
18 "pre-clear files" of upper-level church members. I
19 find the practice of the Church of Scientology in this
20 regard fully in keeping with the practices of other
21 religions.

22
23 In general, there are two fundamental reasons why
24 churches, including the Church of Scientology, seek
25 confidentiality with regard to unauthorized examination
26 of spiritual records. The first is to preserve the
27 sanctity of the spiritual privacy of the believer.

28

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1 In regard to the first reason, the spiritual privacy
2 of the believer, Scientology is like every religion
3 known to me. The Roman Catholic Church protects the
4 priest-penitent relationship with the severest of
5 sanctions, including dismissal from priestly office and
6 expulsion from the Church itself. Upon ordination
7 priests take an oath of the "confessional seal" before
8 they are allowed to hear the confession of sins and
9 administer official spiritual counselling. My pastor,
10 a Monsignor in the Roman Catholic Church, has testified
11 to me that he would undergo imprisonment and death
12 before revealing the contents of any confession,
13 whether this revelation was demanded by the President
14 of the United States or by the Pope of Rome.

15

16 Abuse of the archive and unauthorized divulging of
17 information can bring severe penalties, including
18 demotion from office, penances and even
19 excommunication.

20 Most Protestant denominations have similar regulations
21 and penalties in their respective church polities.

22 Likewise Scientology has codes of conduct for auditors
23 and other officials regarding authorized files. The

24 Church does not allow any outsider access to a
25 parishioner's files as a matter of priest-pentient
26 privilege, as is the case with other churches.

27 Confidentiality of this type of material touches on the
28 nerve center of religion itself. The historical record

shows that no church lightly suffers the intrusion into such records by the government or any other outside agency. The history of the Reign of Terror in France reveals the great number of priests who went to the guillotine rather than break the confessional seal."

Neither the President, the Pope, this Court nor anyone other than the organizations' leaders and attorneys ordered the violations of the "sanctity" of my pc files. These leaders and the attorneys reveal a radically different standard of conduct and ethics from that of the ministers of "other religions" who went to the guillotine rather than divulge the confessions of their preclears.

6. Attached hereto as Exhibit D is a declaration signed by Reverend Ken Hoden, "president" of one of the new "corporations" "divested" recently by the "California" organization. This declaration was also filed in this case with the "response" to the July 2, 1985 Discovery Order.

Mr. Hoden states at par. 3:

"Materials and information stored or recorded within the confessional folders (PC folders) are confidential and privileged. Our religious doctrine prohibits any parishioner or person receiving pastoral counselling (auditing) from viewing the contents of their folders. Our religious doctrines also prohibit any external dissemination of preclear folders. Even our attorneys

are forbidden to review these folders. The only people who are allowed to view the pastoral counselling folders are authorized Church ministers.

Yet, my pc files were given to attorneys, culled and used against me. Mr. Randolph even defines the statements he culled from my "confidential" pc files "as admissions against Armstrong's interest." It is clear that the defense the organization's attorneys have desperately devised to their inhuman and criminal actions is the threatened divulgence of the materials culled from my pc files and my resultant hoped and worked for emotional disintegration. The filing of the culled statements "under seal" is a cheap attempt to give an appearance of morality to the organization's perfidious act. Dozens of organization attorneys, staff members, and attorney staff have seen the culled statements. They were placed in front of the Judge in this case, the individual who can most affect the outcome of this case and the rest of my life. Several of the incidents "culled" from my pc files as "admissions" never happened. Mr. Randolph and whoever helped him, in their ignorance of auditing and recklessness, have apparently culled imaginary "past life" incidents or have created the incidents out of whole cloth. For several other incidents, Mr. Randolph's interpretation is twisted beyond recognition. When he states at p. 2 that "the Church still maintains that the sanctity of the confessional must be placed above all other concerns," he lays to rest Mr. Peterson's statute of limitations argument because he shows that the fraud is continuing. The organization is still claiming out of one side of its mouth that

1 the sanctity of pc files is its paramount concern while out the
2 other side it spits its victims' innermost thoughts and secrets
3 and when these treacherously obtained and used thoughts and
4 secrets are not sufficiently juicy to achieve the organization's
5 black PR ends, it has someone fabricate them.

6
7 7. At p. 8 of the summary adjudication motion Mr.
8 Peterson states:

9 "The only way Armstrong can avoid the bar of the
10 statute of limitations is by proving that he did not
11 and could not have discovered the events alleged in his
12 Cross Complaint any earlier than he did."

13 As has already been shown the culling of my filed
14 admitted to by the organization occurred in 1986 and I only
15 learned of this fact in July this year, almost four years after
16 the filing of the cross-complaint. Attached hereto as Exhibit E
17 is a page from what the organization produced as my "B-1 time
18 track." The entry at April 7, 1980 is taken from my pc files
19 (in session). I only learned of this culling in March 1985 when
20 the organization produced some B-1 materials in the
21 Christofferson case in Oregon. Even using the organization's
22 date for the culled incident of April 7, 1980, this is two years
23 after the 1978 date Mr. Peterson would like the Court to use.
24 And when I learned of this culling is two and half years after
25 the filing of the cross-complaint. Attached hereto as Exhibit F
26 is a document entitled "Gerry Armstrong Project" dated February
27 17, 1982. Step 2 reads: 001061

28 "Go through his files and folders to extract the names

2 7

1 of people who knew him and who are still well connected
2 up and completely trustworthy. Interview these people
3 to find out who Gerry's close friends were and to see
4 if he had any relatives in this area (we could then
5 follow up to see if he might be staying with them).

6 This is the use of my pc files for intelligence data to be used
7 against me. Attached hereto as Exhibit G is a "daily report
8 dated February 22, 1982, from Assistant Guardian for
9 Intelligence (AGI), Brad Ballentine to his organizational
10 seniors at GOUS. He states in the fourth paragraph:

11 "SU (Special Unit, the name for the Gilman Hotspring
12 compound) and Flag (the Clearwater, Florida base) have
13 sent us all their files on him (Armstrong)."

14 "Us" is the GO intelligence bureau. I only learned of
15 this transmission of my pc files to the organization's
16 intelligence bureau and this use to which they were then put in
17 March 1985, again two and half years after the filing of the
18 cross-complaint. Attached hereto as Exhibit H is a declaration
19 dated May 7, 1985 written by me in support of efforts to obtain
20 my pc files from the organization, and prevent its continued
21 violations of them. In paragraphs 5 through 9 I describe an
22 organization intelligence operation involving the use of my pc
23 files to entrap me. Much of the operation occurred in 1984,
24 some six years after Mr. Peterson claims I should have known
25 about it. I only became aware of the operation in April 1985
26 when organization attorneys used its product to attack me in the
27 Christofferson case. It's perhaps unfortunate for the 001062
28 organization that it gave my pc files to the intelligence bureau

1 for culling and intelligence purposes in 1982, used
2 them to set up the illegal videotaping of me in 1984,
3 and again culled my files to concoct the "objection
4 to release of preclear files" in 1986, since in so
5 doing it lost any shot it may have had at obtaining a
6 summary adjudication based on the statutes of
7 limitations. The organization's misfortune cannot
8 begin, however, to compare with the pain and anguish
9 it subjected me to with these acts. If the
10 organization had acted decently, and not violated
11 either overtly or covertly, my pc files, the
12 situation today might be quite different.

13
14 8. Even without considering the pc file violations
15 after I left the organization in 1981 or even back
16 into the 1970's, the summary adjudication motion
17 still falls because I had been rendered by the
18 organization and Hubbard, until I began to come to my
19 senses in late 1981, something different from "a
20 reasonably prudent person." Mr. Peterson has
21 selected statements from some of my response to
22 interrogatories as "admissions against (my) own
23 interest" to show that I learned of the culling in
24 the 1970's while in the organization. From the same
25 responses used by Mr. Peterson, attached to his
26 motion as Exhibit A, I have excerpted the following
27 three statements by me which show why a reasonably

28 ////

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1 prudent person perceiving the same tip of the pc file violation
2 iceberg that I did in the 1970s would or should have felt in
3 disgust and filed suit for the fraud and related crimes and torts,
4 and why I could not.

5 P.6 "In 1976 while locked up and guarded by the
6 Guardian's Office on the orders of L. Ron Hubbard, I was
7 told that my auditing repts were being gone through by
8 GO staff. Had I protested this action, I would have
9 remained locked up indefinitely. I had no control of my
10 preclear folders, nor any control of those who had
11 access to them. My will was broken by this time, and I
12 was effectively controlled and manipulated by L. Ron
13 Hubbard and the organization.

14 In 1976 through through December of 1977, I was
15 assigned to and kept on the RPF by L. Ron Hubbard and
16 those under his control. A system of control and
17 deprivation was exerted over me throughout this period
18 and a campaign of harassment and terror was directed
19 against me and the RPF as ordered by Hubbard.

20

21 P.9 "If I had known of the existence of this policy
22 (GO 121669) and the practice of disclosure of
23 "confidential" session information, I would never have
24 become involved with Scientology. I was brought along
25 as far as I went with the organization by the
26 systematic trickery and manipulation by L. Ron Hubbard
27 and the organization.

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28

P.23 "I spent from July 1, 1976 to December 1, 1977 on the RPF on Hubbard's order. I was humiliated, degraded, terrorized and defrauded by Hubbard during this period. I underwent tremendous emotional trauma and lost self respect and rationality.

The proof of the mind manipulation run by Hubbard and the organization is that I stayed so long after so much degradation and betrayal. Only in late 1981 when I spotted Hubbard as the source of the fraud and the organization's antisocial conduct, and after leaving the organization when the control mechanisms began to fall away, did I become aware of the criminal significance of pc file culling and the fraud which makes it possible.

9. Hubbard also used the auditing process itself, by which he claimed to be freeing people, to subtly program them to not even think a critical thought about the deplorable conditions in which they were kept, including a questioning of auditing or the pc file violations which might be observed or heard about. During any auditing session, if the preclear makes any critical comment, the auditor will immediately demand of the preclear any "overt", that is any misdeed, crime or intentionally harmful act, he has committed. In Hubbard's system, any criticism meant that the person making it had a hidden undisclosed crime. One of his bulletins, "Session Must-nots," attached hereto as Exhibit I, states this point:

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"When a pc is critical of the auditor, the organization or any of the many things in life, this is always a symptom of overts priorly committed by the pc.

1

2 This is a sweeping fully embracive statement - and a
3 true one. There are no criticisms in the absence of
4 overts committed earlier by the pc.

5 Very soon after some auditing in the Sea Organization I learned
6 that any criticism I had meant I had done something bad, and after
7 a while I even was stopped from thinking any thought critical
8 of Hubbard or the organization. In Hubbard's dictionary of
9 Scientology terms, a "critical thought" in fact is defined as "a
10 symptom of an overt act having been committed." The page from
11 the dictionary is attached hereto as Exhibit J. This concept,
12 although programmed into people in auditing, pervaded every part
13 or aspect of the organization. So the criticisms of a staff
14 member about Hubbard's or the GO's practices, and specifically
15 pc file violations, were not listened to; rather he would be
16 investigated or sec checked for his "crimes." By contrast,
17 however, it could never be thought that Hubbard, who was
18 constantly critical of doctors, judges, scientists, psychologists,
19 government, teachers, and especially Scientologists and Sea Org
20 members, had himself committed crimes or overts, because such a
21 thought about him was clearly "critical." Thus he achieved almost
22 absolute mind control.

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23
24 10. Beginning at page 10 of the summary adjudication
25 motion, Mr. Peterson makes a confusing argument that:

26 "Armstrong is barred by Statute of Limitations from
27 asserting Scientology's religious status, and auditing
28 benefits as "misrepresentations" as Armstrong had a

duty to investigate these "facts" more than 3 years prior to date of cross-complaint.

Mr. Peterson further states at p. 14:

"Clearly, if Armstrong is to be believed, he was aware of what he terms the scientific non-religious nature of Scientology no later than 1975.

How that helps the organization's position is baffling. It is the basis of the whole Hubbardian fraud. It was Hubbard's scientific guarantees for auditing and Scientology which were the lure into the organization. Even the promise of auditing confidentiality was given in scientific terms and differentiated from "religious confessions" which Hubbard claimed had degenerated into "a kind of blackmail." In his bulletin of January 21, 1960, attached hereto as Exhibit K he stated:

"Some churches used a mechanism of confession. This was a limited effort to relieve a person of his overt acts. Later the mechanism of confession was employed as a kind of blackmail by which increased contribution could be obtained from the person confessing. Factually this is a limited mechanism to such an extent that it can be extremely dangerous. Religious confession does not carry with it any real stress of responsibility for the individual but on the contrary seeks to lay responsibility at the door of the Divinity -- a sort of blasphemy in itself. I have no axe to grind here with religion. Religion as religion is fairly natural. But psychotherapy must be in itself a completed fact or, as we all know, it can become a dangerous fact.

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1 Hubbard goes on in the same bulletin to ask auditors to "make
2 your pc write these overts and withholds down and sign them and
3 send them off to me." His motivation for this policy is not
4 altruistic, and it only became clear to me in 1981.

5 The other part of Mr. Peterson's argument is that since
6 I had some doubts in my early Scientology years I had a duty from
7 that point to investigate. Mr. Peterson includes in the testimony
8 from the trial in the underlying case, however, at p. 15 of the
9 motion my statement of what happened when I did question the fact
10 that the auditing I had had did not resolve what I considered
11 the essential problem: "I was told after doing the auditing steps
12 that that would only happen at Clear." And "clear" only happened
13 around 1979, and that did not produce the promised results of
14 auditing, but I was told these would happen at another "higher
15 level" called OT III. In other words an aspect of the continuing
16 fraud was bait and switch.

17 Attached hereto as Exhibit L is a policy written by
18 Hubbard dated February 25, 1966 entitled Attacks on Scientology"
19 wherein he orders:

20 "NEVER agree to an investigation of Scientology. ONLY
21 agree to an investigation of the attackers."

22 The investigation Mr. Peterson is seeking to convince the Court
23 I had a duty to make was impossible. In fact I did something
24 of an investigation in 1980 and 1981 when it was somewhat
25 possible and the results of the investigation were a major factor
26 in my leaving the organization and Hubbard. 001068

27 11. Mr. Peterson claims at p. 16 of the motion that the
28 intentional infliction of emotional distress cause of action is

1 barred by the statute of limitations in regards to the pc file
2 violations since I was emotionally distressed in 1976 and 1977
3 while I was locked, in the RPF and generally being manipulated
4 and degraded on a daily basis by the organization on Hubbard's
5 orders. Mr. Peterson's argument is hollow since culling of my
6 files occurred as well, as has been shown above, in the 1980s and
7 as recently as July this year. The emotional distress I have
8 experienced from the 1986 culling alone is beyond description.
9 Mr. Peterson's argument that I am barred by the statute of
10 limitations because of my knowledge in the 1970s that pc file
11 culling occurred is like telling a victim of years of abuse that
12 he or she cannot do anything about it because the abuse has gone
13 on so long.

14 Interrogatory no. 16, the response to which Mr.
15 Peterson has quoted from at p. 17, states:

16 "With regard to the second cause of action of your first
17 amended cross-complaint for damages for alleged
18 intentional infliction of emotional distress against
19 cross-defendants Scientology and Hubbard, to the extent
20 you have not done so, in response to the above
21 interrogatory, provide the following factual basis for
22 such cause of action: **001069**

23 A. The specific and full factual basis-for all the
24 allegations contained in said cause of action.

25 Mr. Peterson's assumption that the date that I "first suffered
26 severe emotional distress as a consequence" of realizing the
27 organization had and would my innermost thoughts and secrets,
28 was "by 1978" is erroneous. And the conclusion, at p. 18 of the

1 motion, that "Armstrong had knowledge of what he contends were all
2 the above referenced breaches of the so-called contract no later
3 than December 1, 1977," and at p. 8 that "(i)n reality,
4 Armstrong has not testified that he knew anything in the Fall of
5 1981 that he had not already known as of 1978, by the latest"
6 omit any reference to and attempt to slip by the whole biography
7 project, Hubbard's archives and the underlying case which the
8 organization brought.

9 I declare under penalty of perjury under the laws of
10 the State of California that the foregoing is true and correct.

11 Executed this first day of November, 1986 at Boston,
12 Massachusetts.

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Gerald Armstrong

001070

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5 (213) 659-9965

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14 Attorneys for Plaintiff and Cross-Defendant
15 CHURCH OF SCIENTOLOGY OF CALIFORNIA

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA

17 FOR THE COUNTY OF LOS ANGELES

18 CHURCH OF SCIENTOLOGY OF
19 CALIFORNIA, a California
20 Corporation,

21 Plaintiff,

22 v.

23 GERALD ARMSTRONG, et al.,

24 Defendants.

25 No. C 420 153

26 OBJECTION OF CROSS-DEFENDANT
27 CHURCH OF SCIENTOLOGY OF
CALIFORNIA TO RELEASE OF
PRECLEAR FILES

[UNDER SEAL]

001071

28 AND RELATED CROSS-ACTION

29 I.

EXHIBIT 3 PAGE 17

30 INTRODUCTION

31 The Church has fought, at all times herein, to protect
32 Armstrong's privacy, and the privacy of its other
33 parishioners, by refusing to produce the preclear files
34 relating to Armstrong for an in camera inspection.
35 Needless to say, the Church does not wish to jeopardize its
36 ability to provide religious services to all of its

1 adherents simply because one ex-member lacks respect for its
2 religious principles. The Church urges this Court to consider
3 carefully, as several other courts have done, the potential
4 adverse impact on religious confidentiality for all Church
5 members which arises from Armstrong's own attempts at
6 self-destruction through insisting that his preclear files
7 become discoverable.

8 Throughout this litigation, the Church has maintained
9 these files securely and in confidence, and only within the
10 last few weeks have these files been copied, indexed and
11 reviewed by counsel in preparation for their production as
12 ordered by this Court. As is evident below, the Church has
13 very obviously not utilized or disseminated the information
14 contained in these files at any point. As is also evident
15 below, there is significant information contained in these
16 files which is directly contradictory and otherwise quite
17 detrimental to Armstrong's assertions in support of his case.
18 Additionally, there is a great deal of information contained
19 in the files which is undoubtedly personally embarrassing to
20 Mr. Armstrong and extremely destructive to his reputation and
21 credibility. Nonetheless, even in full awareness of the
22 damage that the contents of these files could inflict upon
23 Armstrong and his claims, the Church still urges this Court to
24 maintain the privacy of the documents and the information
25 contained therein. This position is not based upon any
26 overriding concern for Armstrong's welfare; rather, the Church
27 still maintains that the sanctity of the confessional must be
28 placed above all other concerns.

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II.

APPROPRIATE ALTERNATIVES AVAILABLE TO THIS COURT

In Wollersheim v. Church of Scientology of California, et al., Los Angeles Superior Court No. C 332 027, the Honorable Ronald Swearinger was faced with a similar, although possibly even more serious, situation. In that case, plaintiff Larry Wollersheim had alleged that the pastoral counseling delivered to him by the Church had directly resulted in physical and emotional damage to him. He further alleged that the preclear files pertaining to him were directly relevant as evidence of this damage, and the intentional or negligent infliction emotional distress to him.

As in the case herein, the production of the preclear files relating to Larry Wollersheim occurred in stages, with the Church bringing to the Court's attention at each stage the relevant objections. On February 28, 1986, Judge Swearinger required plaintiff Wollersheim to inform the Court that a knowing and informed waiver of the priest-penitent privilege was being made. (See Declaration of John G. Peterson, attached hereto as Exhibit "A".)

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On March 13, 1986, Judge Swearinger took note of the November 5, 1985 Order issued by the Honorable Judge Mariana Pfaelzer in the case of Religious Technology Center, et al. v. Larry Wollersheim, et al., U.S.D.C. C.D.Ca. Civil Action No. 85-7197-MRP. That Order described as "confidential religious scriptures" the materials known within the Church as "(1) Solo Part II, (2) Power, (3) R6EW, (4) DCSI, (5) Sunshine

1 Rundown, (6) Clearing Course, (7) OT I, (8) OT II, (9) OT III,
2 . . ." (See Temporary Restraining Order, attached hereto as
3 Exhibit "B".) Following the decision reached by Judge
4 Pfaelzer, Judge Swearinger ordered that "[w]e are not going
5 into the contents of those upper level materials." (See March
6 13, 1986 Trial Transcript, pp. 2208-2209, attached hereto as
7 Exhibit "C".) Judge Swearinger reiterated on April 3, 1986
8 that no testimony from the upper levels materials, being
9 defined as "Power through NOTS", would be allowed into the
10 trial of the action. (See April 3, 1986 Trial Transcript, pp.
11 4786-4787, attached hereto as Exhibit "D".) Thereafter, the
12 preclear files were produced to Judge Swearinger for his in
13 camera inspection. The files containing upper level
14 materials were not required to be produced, and were not
15 produced.

16 On May 6, 1986, after Judge Swearinger had thoroughly
17 reviewed the contents of the files, a discussion was held
18 concerning the "tremendous confusion and side shows" that the
19 introduction of the preclear files into the Wollersheim case
20 would create. (See May 6, 1986 Trial Transcript, p. 7571,
21 attached hereto as Exhibit "E".) 001074

22 A procedure whereby the files were maintained by the
23 Court, but in which Wollersheim and his counsel could review
24 them in the presence of a referee, was established. No such
25 review occurred, apparently due to a decision by Wollersheim
26 and his counsel that the interests balanced by the information
27 contained in those files becoming public or staying private
came down on the side of privacy.

1 The alternative suggested by the Wollersheim case is
2 completely applicable and appropriate to the case herein. The
3 Church has not produced the three files pertaining to
4 Armstrong which contain "confidential religious scriptures".
5 Those files, covering the time period from just a portion of
6 1978 into early 1980, include "(1) Solo Part II, . . . (6)
7 Clearing Course, (7) OT I, (8) OT II, [and] (9) OT III"
8 materials. It has, however, produced for inspection the
9 twenty-five files covering the time period from Armstrong's
10 first pastoral counseling, in 1970, up through the portion of
11 1978 when he engaged in the confidential upper level
12 counseling. This Court should require only the production of
13 the preclear files already produced.

14 This Court should also, as was established by the
15 Wollersheim court, require Armstrong and his counsel to
16 provide a waiver of the priest-penitent privilege prior to any
17 review of the files which have been produced. The procedure
18 formulated by Judge Swearinger, which would allow Armstrong and
19 his counsel to review the files in the presence of a referee,
20 is likewise completely appropriate for the case herein. Upon
21 completion of his review, this Court should require Armstrong
22 to specifically state which documents support his claims. The
23 Church is confident that Armstrong will be unable to
24 demonstrate any support for his claims that Armstrong's
25 files were "culled" for the simple reason that no such action
26 has occurred. 001075

27 It seems highly unlikely that Armstrong and his counsel,
28 once they have reviewed these files, will still insist on

1 making their contents a part of this case as such an action
2 will create only harm to Armstrong. The Church has not
3 utilized these files in any way for this litigation, and
4 repeats its offer at this time to destroy the files, and any
5 copies thereof, in Armstrong and/or his counsel's presence
6 should they now be willing to adopt this course of action.

7 III.


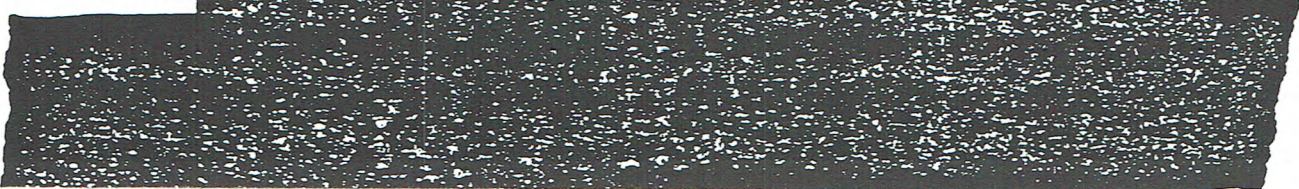
8 INFORMATION IN THE PRECLEAR FILES IS HARMFUL
9 TO ARMSTRONG'S CASE AND CHARACTER

10 If Armstrong insists on making the contents of these
11 files a part of this case by obtaining copies of them, and if
12 the Court does not reconsider its intention to release these
13 preclear files to Armstrong, the Church will be forced,
14 against its wishes, to utilize the same documentation in its
15 defense as evidence of Armstrong's character and perjurious
16 statements.

17 A. Statements Regarding Armstrong's Case

18 The files contain numerous references to admissions by
19 Armstrong which are directly contradictory to his allegations
20 in the Third Amended Cross-Complaint as well as 001076
21 representations made directly to this Court in various
22 declarations. Information in this regard includes the
23 following:

EXHIBIT 3 PAGE 22

24 1. On November 18, 1977, Armstrong commented to his
25 minister 
26 
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28

1 [REDACTED]
2 [REDACTED]
3 . On February 26, 1977, Armstrong informed
4 his minister [REDACTED]

5 . On November 13, 1976, Armstrong stated that
6 [REDACTED]
7 [REDACTED]

8 2. On October 24, 1977, Armstrong informed his minister
9 that [REDACTED]
10 [REDACTED]

11 3. On October 16, 1977, Armstrong informed his minister
12 that [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 4. On September 20, 1977, Armstrong informed his
18 minister that [REDACTED] 001077

19 5. On September 2, 1977, Armstrong confessed to his
20 minister that [REDACTED]
21 [REDACTED]
22 [REDACTED]

23 6. On May 5, 1977, Armstrong informed his minister that,
24 [REDACTED]

25 7. On February 27, 1977, Armstrong informed his minister
26 that [REDACTED]
27 [REDACTED]
28 [REDACTED]

8. On February 26, 1977, Armstrong described the

[REDACTED]

All of the above statements by Armstrong are highly relevant to this action. They lead to the inescapable conclusion that Armstrong has lied to this Court and, when that ultimately proves to be the case, contempt and dismissal of the action is the proper sanction.

B. Statements Regarding Armstrong's Character

Other admissions contained in these files, which go directly to Armstrong's credibility and character, include the following:

1. Armstrong admitted to his ministers on numerous occasions that [REDACTED]

[REDACTED] (see, e.g., March 26, 1970 and July 16, 1970 statements); [REDACTED] (see, e.g., statement of April 17, 1970); [REDACTED]

[REDACTED] (see, e.g., statements of December 31, 1972 and July 20, 1973); [REDACTED] (see, e.g., June 30, 1977 statement).

2. Armstrong admitted to his ministers on numerous [REDACTED]

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1 what documents support his claims, and to exclude any
2 production of the "confidential religious scriptures".

3 DATED: July 3, 1986

Respectfully submitted,

4 OVERLAND, BERKE, WESLEY, GITS,
5 RANDOLPH & LEVANAS

6 By:

7 DONALD C. RANDOLPH

8 Attorneys for Plaintiff and
9 Cross-Defendant Church of
10 Scientology of California
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EXHIBIT C

DECLARATION OF GERALD ARMSTRONG

1. I am the defendant and cross-complainant in the case of Church of Scientology of California v. Armstrong, Case No. 420153.

2. I am making this Declaration to support a motion to have plaintiff deliver to me my "auditing" and "ethics" files, now in its or a connected organization's possession.

3. During the process of "auditing" in Scientology, a person being "audited," hereafter referred to as "penitent," communicates to the clergyman, counselor, or therapist, hereafter referred to as "auditor," his innermost thoughts and relates incidents from his life which are emotionally charged, embarrassing or for which he could be blackmailed. The auditor writes down what the penitent says in "auditing reports." The auditor demands and records details such as time and place when an incident occurred, who was present, who knew about the incident, their relationship to the penitent and their address or general location. These "auditing reports" form, along with the auditor's notes and instructions made after the auditing sessions, the penitent's auditing files. My auditing files are from approximately one thousand hours of auditing and total over two feet in height. These are the files, along with my "ethics" files, and any copies, notes or excerpts from these files, that I seek to have delivered to me.

EXHIBIT 3 PAGE 29

4. When I became involved with Scientology, and when I joined the Sea Organization, I did so in part because of the promises made to me that auditing reports and statements made during auditing were to be absolutely confidential between

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1 auditor and penitent. I was told that these statements were
2 treated like the confessions of Catholics to their priests, that
3 they would never be passed on to others and would not be used
4 against the penitent. I was never told of use of auditing
5 information by the hierarchy of Scientology against penitents,
6 nor of the fact that the hierarchy and the intelligence bureau
7 personnel of Scientology had complete access to auditing files.
8 My learning of the actual use to which auditing information is
9 put was a major factor in my leaving the organization. The fact
10 that the organization refuses to turn over my personal records
11 by claiming they are "protected" by the "clergyman-penitent
12 privilege" which they have for decades ignored and abused, is a
13 situation designed by Scientology to bring about my emotional
14 disintegration.

15 5. I seek the delivery to me of my personal auditing and
16 ethics files for a number of reasons. They are my property
17 because they are my statements made as a penitent. As such, they
18 are protected by the "clergyman-penitent privilege." Yet, I
19 cannot exert the privilege, and stop the organization's use of
20 these files as long as they remain in Scientology's possession.
21 I seek an understanding from these records of what happened to me
22 during my thirteen years of involvement with Scientology. There
23 are aspects of the mind control by Hubbard and the organization
24 which as yet elude me. I worked over eleven years, virtually
25 without pay and doing things as directed by Hubbard and the
26 organization that no sane person would do. I feel that my
27 auditing records will shed a great deal of light on this
28 subject. My emotional stability I feel was damaged by

1 Scientology, both while inside and by the attacks on me after
2 leaving, and the continued possession of my personal auditing
3 records and violation of my rights does not allow any emotional
4 healing. The organization or Hubbard and his agents will use the
5 information from my personal auditing files against me, both in
6 and out of the legal arena. I seek to prevent Hubbard and the
7 organization from this abusive action. Hubbard and the
8 organization have labelled me their "enemy" and a "suppressive
9 person" (or one of the 2 1/2 percent most evil people in the
10 world). They do not consider me a friend, and their motivation
11 for retaining my personal auditing files is not friendship or
12 interest in my welfare. They actively seek my destruction.

13 6. During my years of involvement with Hubbard and
14 Scientology I learned by direct observation how the organization
15 uses penitents' "confidential" auditing information. While
16 working in the Guardian's Office and L. Ron Hubbard's
17 Communications Bureau, I coded and decoded telexes which
18 contained such information gleaned from auditing files. The
19 information came from the Guardian's Office (or Intelligence
20 Bureau), and without the knowledge of the penitents. The
21 transmitted information dealt mainly with the penitents' sexual
22 activities, their family, drug use, criminal activity in their
23 past, "buttons" (things which could be used to exert control over
24 the penitents), and things for which the penitents could be
25 blackmailed. In 1980 and 1981 I learned from Guardian's Office
26 operatives that because of its social unacceptability and legal
27 problems they could no longer use auditing information directly.
28 Instead, they gleaned the information from auditing files then

1 sought out "third parties" or created "third parties" who could
2 provide the same information. Since the auditing reports
3 contained the time and place where incidents occurred, and who
4 was present or knew about the incident, this was relatively easy
5 to do. In 1980 I was asked by a GO operative to "verify"
6 information taken from the auditing files of Tonja Burden, a
7 young girl then considered an "enemy" of Scientology. The
8 operative knew details from Ms. Burden's "confidential" files and
9 related these to me to see if I could be the "third party" to
10 "provide" the information in a declaration or as a witness.

11 7. A number of times during my involvement with
12 Scientology I was ordered, either by Intelligence Bureau
13 personnel or Hubbard's personal agents, to cull usable
14 information from penitents' auditing files. The information
15 culled was written or typed into lists and kept by the GO or
16 Hubbard's agents separate from the auditing files. This was
17 standard practice with anyone who requested to leave or did leave
18 the organization or was considered in any way a "threat."
19 Undoubtedly it has already occurred with my "confidential" files.
20 The classes of information I was ordered to extract from auditing
21 reports were: anything concerning the penitents' sexual
22 activities, including time, place, form, event and names and
23 addresses of all sexual partners; any involvement with drugs,
24 including time, place, form, event and names of anyone else
25 involved; any criminal activities with complete details; anything
26 for which the penitents could be blackmailed; any information on
27 family members, friends, associates, connections. In short, the
28 information sought by the GO and Hubbard's personal agents was

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1 intelligence data exactly like that sought and used by the KGB or
2 the Gestapo.

3 8. Only in 1982, after leaving Hubbard's personal staff
4 and the Sea Organization did I find that the practices regarding
5 the use of "confidential" auditing files for intelligence
6 purposes existed as written policy long before I joined the Sea
7 Organization. In a Guardian's Order dated December 16, 1969,
8 entitled PROGRAMME: INTELLIGENCE: INTERNAL SECURITY, Mary Sue
9 Hubbard, then directly responsible to L. Ron Hubbard, wrote:

10 "VITAL TARGETS:

11 1. This Programme is to be done by the Asst.
12 Guardian or the D/A/Guardian for Intelligence,
13 if this post is held separately.

14 2. To establish intelligence files on all
15 such persons found to be infiltrators, double
16 agents, and disaffected staff members, Scien-
17 tologists and relatives of Scientologists.

18 OPERATING TARGETS:

19 1. To make full use of all files on the
20 organization to effect your major target.
21 These include personnel files, Ethics files,
22 Dead files, Central files, training files,
23 processing files and requests for refunds.

24 2. To assemble full data by investigation of
25 each person located for possible use in case
26 of attack or for use in preventing any attack
27 and to keep files of such." (GO 121689 MSH,
28 attached hereto as Attachment 1.)

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1 If I had known of this policy and practice in 1969 I would never
2 have become involved with Scientology.

3 9. The public statement by Hubbard and the Scientology
4 organizations is that the purpose of auditing is to free
5 individuals. Yet the real use to which auditing is put is to
6 entrap and control individuals. Many of the people in
7 Scientology are Hubbard's unwitting dupes; they believe that, to
8 some degree at least, their participation in the covert and
9 illegal use of confidential auditing files has something to do
10 with freeing individuals. Hubbard's personal writings during
11 the period of his creation of Dianetics and Scientology, however,
12 reveal a completely different and very non-altruistic motivation.
13 In these writings, now under seal in the Court, Hubbard wrote
14 that he would control this sector of the Universe, that all men
15 will bow down to his will, and that he has the right to use
16 men's minds. There are approximately two hundred pages of such
17 writings presently under seal. These reveal Hubbard's intent to
18 control people, his utter disregard for individuals' rights and
19 his meglomania. The illegal use to which he and his organization
20 have put and do put penitents' statements, made in confidence,
21 fit with the pattern of Hubbard's life and his mental state as
22 shown in the sealed documents.

23 10. Hubbard's and Scientology's attorneys are knowing or
24 unknowing participants in the illegal use of "confidential"
25 penitents' files. Plaintiff's attorney, Karl Kohlweck, in
26 refusing to produce my "ethics" file stated:

27 ". . . 'ethics' files of parishioners of the
28 Church of Scientology contain information 001086

1 derived from confidential communications
2 between the parishioners and ministers of the
3 Church. Plaintiff Church of Scientology of
4 California asserts the priest-penitent
5 privilege with respect to the contents of such
6 files." (Response to Defendant's First Request
7 for Production of Documents attached hereto as
8 Attachment 2.)

9 Besides being ludicrous--the "Church" asserting the privilege for
10 the penitent when the penitent himself is requesting the files--
11 it is a clear example of obstruction of justice and abuse of the
12 justice system. In my deposition of August 18, 1982, Mr.
13 Kohlweck asked a series of questions which began:

14 "Q Mr. Armstrong, isn't it a fact that
15 during December of 1977 there was dispatch
16 concerning you, that you were approved for
17 duty at the S. U. or Special Unit, provided you
18 were not ever to be on C.M.O. or Commodore
19 Staff Guardian lines nor at any time on G.O.
20 lines, Guardian's Office lines, or any
21 position senior to Messenger? Are you aware
22 of such a dispatch?" (Deposition of Gerald
23 Armstrong taken August 18, 1982, p.208,
24 attached hereto as Attachment 3.)

25 The "dispatch" Mr. Kohlweck appears to know in such detail I know
26 to be from my "ethics" file. From not only this instance, but
27 from a very long experience with Scientology, it is clear to me
28 that the priest-penitent privilege means nothing to Hubbard or

1 the Scientologists he controls, other than as a vehicle to
2 prevent the penitent from exerting his privilege, and at the same
3 time selectively using the information from the files not
4 relinquished to the penitent because they are "privileged." It
5 is the penitent's privilege; it most certainly is not the
6 organization's. It is just this sort of convoluted perversion of
7 the law and the individual's rights which has been Hubbard's
8 modus operandi for more than thirty years.

9 11. My attorney has written CSC, requesting delivery to me
10 of my "auditing" files and "ethics" files. The organization has
11 not even responded, yet they have claimed these files are
12 protected by the priest-penitent privilege.

13 Evidence Code Section 1033 states:

14 Privilege of Penitent: "Subject to Section 912, a
15 penitent, whether or not a party, has a privilege
16 to refuse to disclose, and to prevent another from
17 disclosing, a penitential communication if he
18 claims the privilege."

19 Section 912 deals with waiver of privilege.

20 I do not waive the privilege, and in fact insist upon it. The
21 only way I can exert the privilege and prevent CSC or Hubbard
22 from disclosing my "penitential communications" is to have the
23 "auditing" and "ethics" files, and all copies delivered to me.
24 Yet CSC and Hubbard refuse, claiming "priest-penitent" privilege,
25 which is my privilege, not theirs.

26 12. Hubbard has set the organization's policy regarding
27 lawsuits:

28 "The law can be used very easily to harass,

1 and enough harassment on somebody who is
2 simply on the thin edge anyway, well knowing
3 that he is not authorized, will generally be
4 sufficient to cause his professional decease.
5 If possible, of course, ruin him utterly."

6 (Level "0" Checksheet by L. Ron Hubbard,
7 attached hereto as Attachment 4.)

8 It is very clear that the refusal to deliver to me my "auditing"
9 and "ethics" files, which have no possible legal use to Hubbard
10 or the organization, is simply harassment. Hubbard's directed
11 harassment of me has put me "on the thin edge" as he intended. I
12 am deeply disturbed by the abuses and harassment by Hubbard and
13 the people he controls and their desire to ruin me utterly.

14 I declare under penalty of perjury that the foregoing is
15 true and correct.

16 Executed this 18th day of December 1983 at Costa Mesa,
17 California.

18 
19 GERALD ARMSTRONG
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EXHIBIT D



11-7-80

DECLARATION OF GERALD ARMSTRONG

I, Gerald Armstrong, declare as follows:

1. I am making this declaration to correct the errors in the declaration of John Peterson dated October 13, 1986 regarding my "mission files" and to support a motion to compel their production.

2. Mr. Peterson stated in his declaration:

"During the trial of Christofferson v. Church of Scientology, Mission of Davis, et al., Multnomah County, Oregon Circuit Court No. A7704-05814, Cross-Defendant Church produced "Mission Files" pertaining to Gerald Armstrong. These "Mission Files", (sic) all of which were dated in the early 1970's, contained documents which did not refer to Armstrong at all, or which referred to Armstrong only in a minor way such as his name on a crew list, and other completely innocuous documents such as newspaper articles and maps. These files were completely irrelevant to, and not admitted into evidence in, the Christofferson trial and are equally irrelevant to the current action."

3. Mr. Peterson also stated to this Court at a hearing on September 26, 1986:

"Now, the three or four boxes that were in Oregon which Plaintiff claims they are -- or defendant that they

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1 hadn't seen or what is known as Mission files. Gerry
2 Armstrong was on the ship "Apollo" as it cruised around
3 the Caribbean back in the early seventies. He had a
4 post on the ship, different posts. I think he was what
5 they call a port captain and when the ship would go on
6 a certain cruise to Curacao or Lisbon or wherever the
7 ship went, they kept a file on the trip and it just
8 happened to mention Gerry's name in some of these
9 files, and we were ordered in Oregon to turn over every
10 document that even mentioned Gerry Armstrong. So in
11 these documents it will be like a roster of the crew
12 and it will have port captain Gerry Armstrong."

13
14 4. Attached hereto as Exhibit A are portions of the
15 trial transcript from April 12, and 16, 1985 in the
16 Christofferson case which concern the referenced mission files.
17 There were six files, plaintiff's exhibits No. 257, 258, 259,
18 260, 261 and 264. At Pp. 4968-4974, I identify and describe
19 each of these mission files the organization had produced in
20 Christofferson. I was not just a name on a crew list in these
21 files. I did the missions, was briefed, drilled, sec-checked
22 and "fired" off the ship. I carried out the shore story as an
23 official representative of the Apollo's "Owner." I generated
24 daily reports, telexes, PR reports and evaluations. I returned
25 to the ship, debriefed and was again sec-checked. I was
26 assigned ethics conditions for each mission. In one case,
27 Hubbard assigned me a "condition of confusion," the lowest
28 "condition" he assigned anyone. Each of these mission files

1 concern me directly as I carried out as a Flag Missionaire each
2 of the mission targets, and I created the mission files. These
3 files were, contrary to what Mr. Peterson has stated, admitted
4 into evidence in Christofferson at P. 5254, as illustrative of
5 the type and quantity of documentation generated and preserved
6 by the organization for actions as simple as making arrangements
7 for the "Apollo's" arrival in a "new" port, to contrast them to
8 the organization's representations that it had no documentation
9 relating to the complex, costly and years-long "Armstrong
10 operation" which the organization "broke" with four plus hours
11 of illegally obtained videotapes of me earlier in that trial.
12 The Court noted at the September 26, 1986 hearing that the
13 disagreement between the organization and me regarding its
14 non-compliance with various discovery orders "may become an
15 issue in the trial" of this cross-complaint. I consider the
16 organization's attempts to thwart discovery a very significant
17 issue in this case, and on this issue alone the organization
18 must produce the mission files.

19
20 5. The organization has forged a "defense" to my
21 claims in the cross-complaint that I was a "low level file
22 clerk" who "dreams up" things and who "failed at every job (I)
23 had while in the Church." (See John Peterson declaration of
24 October 20, 1986, attached hereto as Exhibit B.) The "mission
25 files" from Christofferson will show that I did not fail at
26 every job in the organization and was not a low level clerk.
27 They will also show that even these records from missions in the
28 early 1970's to ports in Europe and the Caribbean have been

1 vetted with relevant documents removed in preparation for this
2 litigation.

3
4 6. Attached hereto as Exhibit C is a copy of a sample
5 "crew list," in this instance a list of personnel at the staging
6 area in Daytona Beach, Florida in November 1975. Such a list,
7 aside from the fact it might be in one of my mission files, has
8 no direct connection to the mission purpose or its many
9 targets. Mr. Peterson's testimony that my relationship to the
10 mission files was only my name on a crew list is completely
11 untrue. It is also worth noting that although Mr. Peterson
12 swears at Par. 10 of his declaration of October 20, 1986 that I
13 "was never in the Information Bureau of the Guardian's Office,"
14 I am listed at p. 3 of Exhibit C as Director of Branch I, or
15 Director of Intelligence, in the Guardian's Office.

16
17 7. Attached hereto as Exhibit D is a page from
18 cross-defendant's requests for admissions dated October 2,
19 1985. Request for admission No. 5 reads:

20 "Admit that you participated in a project or 'mission'
21 in October of 1974, in which one of the objects or
22 'targets' was to place disclaimer warnings in
23 Scientology books to the effect that Scientology is an
24 applied is an applied religious philosophy that does
25 not cure medical illnesses."

26 This refers to LRH FPO 157, a mission I was on from October 20
27 to 31, 1974. This mission file is not included in what was
28 produced in Christofferson, but is clearly relevant to the

1 cross-complaint if for no other reason than the organization's
2 making it so.

3
4 8. Another mission or project I did for which I
5 generated a mission file was in August 1974 when I was "fired"
6 on orders to Funchal, Madeira, to recover a stolen briefcase
7 containing sensitive organization documents, among other tasks.
8 This file contains evidence directly relevant to the "attack
9 line" the organization has used in its black PR campaign against
10 me; that is that I was an incompetent researcher, and low level
11 clerk who failed at every job. The file for this mission was
12 also not produced in Christofferson, but should be now.

13
14 9. The "three or four boxes in Oregon" Mr. Peterson
15 told the Court on September 26, 1986 were "mission files," are
16 not. These boxes contain other documents relating to me. These
17 should also now be produced. One set of documents from these
18 boxes which I do recall specifically is "dead agent" pack
19 entitled "Gerry Armstrong Incompetence as a Researcher." The
20 organization has generated a black PR campaign with that theme
21 to counter my documentation of Hubbard lies and the
22 organizational fraud.

23
24 I declare under penalty of perjury under the laws of
25 the State of California that the foregoing is true and correct.

26 ////

27 ////

28 ////

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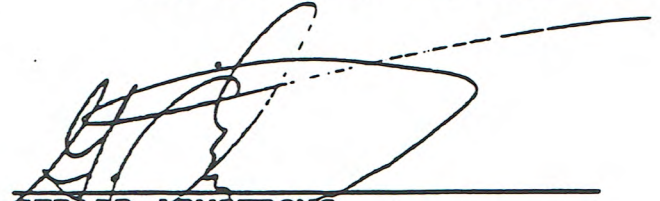
Executed this

7th



day of November, 1986 at

Boston, Massachusetts.


GERALD ARMSTRONG

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EXHIBIT E

11-18-86

DECLARATION OF GERALD ARMSTRONG

I, GERALD ARMSTRONG, declare as follows:

1) I have been advised by my attorney, Julia Dragojevic, that cross-defendant organization has moved to continue the trial of the cross-complaint, now set for January 19, 1987. The organization has offered three reasons for its motion: A) it was not aware of a "brainwashing" claim until it got my response to its motion for summary adjudication on the application of statutes of limitation to the pc file issue; B) it wants to first get the Appeals Court decision in the document case; C) it needs more time for discovery.

2) "Brainwashing" is the organization's term. It cannot profess ignorance of the subject as L. Ron Hubbard wrote as early as 1956 in a "Technical Bulletin" attached hereto as Exhibit A:

"We (Scientology) know more about psychiatry than psychiatrists. We can brainwash faster than the Russians (20 secs to total amnesia against three years to slightly confused loyalty)."

And the organization cannot honestly claim that any mention by me of Hubbardian or organization mind control is a new surprise. Attached hereto as Exhibit B are two pages from a declaration I filed in 1982 in which I state:

"What most Scientologists, and especially Sea Org members don't know is that Mr. Hubbard had duped

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4

1 them. My knowledge based on documentation and
2 observation, is that the major reason for Mr. Hubbard's
3 calling Scientology a 'religion,' in addition to tax
4 evasion, is to hide behind Constitutional guarantees
5 for religions and so carry out his scheme of mind
6 control to keep his followers duped. He has
7 systematically and knowingly lied to and defrauded his
8 followers, kept them from finding out the truth or
9 becoming free with cruel and bizarre treatment, as for
10 example with the RPF, and kept them economically and
11 mentally suppressed, while he made millions of dollars
12 from their labor."

13 The Court touched on mind control in the decision in the
14 document case:

15 "...the Church or its minions is fully capable of
16 intimidation or other physical or psychological abuse
17 if it suits their ends. The record is replete with
18 evidence of such abuse."

19 And common sense yields only mind control as the explanation for
20 the years of submission to the abuse.

21
22 The organization has known of its own practices for
23 decades, has known for over four years that I defined some of
24 those practices as mind control, and has known for over two
25 years that the Court considered "psychological abuse" and
26 Hubbard's "controlling, manipulating....his adherents" part of
27 this case. Mind control is not a new subject which would
28 require of the organization a new defense or more time in which

1 to create it.

2
3 3) Regarding continuing the trial of the
4 cross-complaint until issuance of the Appeals Court decision in
5 the document case, it was cross-defendant organization which
6 moved to sever the cross-complaint as unrelated to the
7 underlying document case.

8
9 4) In the document case, for a trial that lasted
10 thirty days, because the organization insisted on an expedited
11 trial, I had twenty months in which to prepare for my defense.
12 From the time of filing of the cross-complaint until the present
13 trial date, the organization will have had fifty months.

14
15 The organization has taken my deposition at least
16 twenty-five days, and has taken the deposition of virtually
17 everyone connected to me at some point in this litigation. Each
18 person on this side whom the organization has sought to depose
19 has complied and has answered any relevant questions. My
20 attorneys advise me that because of the organization's
21 compartmentalization and obstructionist tactics, taking any
22 organization depositions is a costly and frustrating waste of
23 time. The organization knows virtually every fact of my life
24 since I was born which has any connection at all to the issues
25 in the cross-complaint; there is nothing left to discover.
26 Discovery by the organization is for this reason, and because of
27 attorney tactics and behavior, largely harassing. The extension
28 of discovery is just the extension of harassment.

1 5) The organization cannot honestly argue that it was
2 prevented in any way from getting whatever discovery it has
3 wanted or from getting its many motions, several of which were
4 in fact obstructive of legitimate discovery, heard by this
5 Court. The organization has used 12 law firms in this case, and
6 these attorneys have all been involved in other Scientology
7 litigation and have deposed all my potential witnesses in those
8 cases in addition to this. In addition to the staggering sums
9 paid to attorneys to litigate this case, the organization has
10 paid at least hundreds of thousands of dollars for PI's, for
11 intelligence operations and for media black PR campaigns against
12 me. Where it could not wait for legal discovery, it stole my
13 documents. And as shown in my earlier declarations, it has,
14 through perjury and manipulation, thwarted my discovery into its
15 clear cut and egregious invasions of my privacy and assaults on
16 my mind.

17
18 6) The organization has demonstrated continually
19 throughout the litigation of this case that truth, which must
20 have some relationship to legitimate discovery, is, as far as
21 the organization is concerned, irrelevant. Attached hereto as
22 Exhibit C is a copy of a recitation of a dream I had in March
23 1985. I have blacked out for this purpose, anything which could
24 be considered offensive. Donald Randolph has, in furtherance of
25 the organization's goals, defined the recitation of the dream a
26 "sickening work" demonstrating my "extremely aberrated
27 activities." The dream was a dream. The recitation was true,
28 and as artistically tight as I was capable of. To the

organization, if it suits its purposes, however, dreams are reality, and truth is whatever can be twisted therefrom. The only thing "sickening" about the dream is how the organization acquired it and went about its degradation. I sent it to my friend Dan Sherman, a professional writer who had throughout 1984 encouraged me to write and who had "critiqued" some of my work. Sherman was, of course, being operated by the organization in the "Armstrong operation" (the same operation which John Peterson says never happened), and Sherman either gave the organization the "dream" he had dutifully tricked me into sending him, or the organization simply stole it from him. Attached hereto as Exhibit D is a letter from Sherman from March 1986 in which he indicates that the organization was indeed getting his mail. Since writing to me, however, Sherman has apparently again been pressured by the organization because he has again cut communication with me and gone into hiding.

Another example of organizational perversion of truth is the whole Armstrong operation. A group of individuals fearing for their lives and asking me for help to reform the organization became in organization black PR campaigns my attempt to destroy religion. Efforts by the organization to enveigle me into illegal acts became my commission of the acts. Use of my pc files as a lure to entrap and ruin me is characterized as protecting the sanctity of auditing. The organization needs no more discovery since it creates "truth" and "evidence," as it wishes.

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1 7) All the discovery the organization has sought can
2 be completed in the next two weeks. I have been answering
3 interrogatories, in addition to all the other work I must still
4 do, and despite the fact that none of the interrogatories cover
5 anything which I have not already testified about, and I will
6 complete them by November 26, 1986. The organization took my
7 deposition on October 29 and 30 and they can have my deposition
8 another day before trial if they want. They have made no
9 request to set a date for the continuation of my deposition
10 since the two days in October. The organization, just to delay
11 the trial, should not be permitted to delay the discovery
12 opportunities it has.

13
14 8) Although the organization is clearly not harmed if
15 the cross-complaint goes to trial January 19, I will be if it
16 doesn't. Through all the operations, the lies and attacks over
17 more than four years, the hope of going to trial has been a
18 major stabilizing factor in keeping me going.

19
20 I do not have the extra legal options which the
21 organization does; my only opportunity to resolve this
22 protracted, bitter and emotionally devastating war is at trial.
23 My life has been radically altered by the organization's acts:
24 the threats, the assaults, the pc file perversions, the
25 obstruction, the lies, the operations, the betrayals, the
26 terror. The intensity has fluctuated and there were brief
27 periods when my life moved toward normalization, but always
28 briefly as another organization attack was never far away.

1 Since the July pc file culling, however, there has been no
2 respite. The anguish I feel just about every day may be a
3 blessing because the emotional ripple does not manifest itself in
4 other more destructive ways. But I cannot feel that it is
5 optimum or normal or healthy; that is, I'm under a ton of stress.
6 I have grappled with the litigation and the extra-litigation
7 threat in many ways. Some of them, even within the observable
8 context of Gerald Armstrong, and even to myself, are bizarre.
9 Almost the whole day now, and day after day, is connected to this
10 subject. Sometimes I feel like my body is a battleground.
11 Outside my apartment and office, and those are just about all my
12 destinations, I am most of the time aware of the cold evaluation
13 of threat. I am intellectually sound enough to realize that to
14 succeed in getting the cross-complaint to trial raises the
15 potential for a really serious operation. The emotional
16 ramifications which follow from that are what I deal with. That
17 is, the alteration of the circuitry. The lessening of the threat
18 can only be achieved, however, by going forward, even though what
19 could happen at trial could be beyond anything I've yet
20 experienced. All the operations have had the ultimate goal of
21 stopping me from proceeding to trial. They have only succeeded
22 in convincing me that the only way the war and the threat can end
23 is to get to trial.

24 Executed this 18th day of November, 1986 at Boston,
25 Massachusetts.

26 I declare under the penalty of perjury under the laws
27 of the State of California that the foregoing is true and correct.
28

Gerald Armstrong

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EXHIBIT F

DECLARATION OF GERALD ARMSTRONG

I, Gerald Armstrong, declare:

1. I am the defendant in the case of Church of Scientology of California v. Gerald Armstrong, Los Angeles Superior Court No C 420153. Attached hereto as Exhibit A is a copy of the Armstrong decision rendered by Judge Paul G. Breckenridge Jr. on June 20, 1984. A cross-complaint I filed against plaintiff Scientology organization and other Scientology organizations, hereinafter referred to as "the organization," was bifurcated from the underlying case on motion of the organization and did not go to trial as it settled on December 11, 1986. The settlement agreement included delivery of certain documents from the underlying case to the organization and allowed the organization to maintain its appeal from the Armstrong decision then pending in the California Court of Appeal, Second Appellate Division as No. B005912. On December 18, 1986 the Court of Appeal, whose decision is attached hereto as Exhibit B, dismissed the organization's appeal, reasoning that there would be no appealable final judgment until after trial of the cross-complaint.

2. On October 11, 1989 I was served at my home with a subpoena duces tecum, a copy of which is attached hereto as Exhibit C, in the case of Bent Corydon v. Church of Scientology International, Los Angeles Superior Court No. C 694401. The subpoena, issued by Toby Plevin, attorney for Mr. Corydon, orders my appearance to testify at a deposition and to produce the agreements, releases and any other documents relating to the settlement I had entered into with the organization.

3. Within a few days of service Ms. Plevin telephoned to confirm that the deposition venue was acceptable to me, to advise me that the

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October 20 deposition date would probably be changed, and to ask me for alternative dates which would be convenient for me. We spoke two or three times by telephone over the next week or so to set or cancel dates. During one of our conversations she informed me that she had received "a threatening letter" concerning my deposition from attorney Larry Heller, who I knew to be an attorney of record for various Scientology-related organizations and individuals, and to have a supervisory role in virtually all the organization's legal matters. Ms. Plevin read me parts of Mr. Heller's letter in which he stated that it was inconceivable that I had any information relevant to Mr. Corydon's lawsuit, that Ms. Plevin was seeking to breach the settlement agreement by proceeding with my deposition, and that should my deposition ever go forward he would apply to the court for sanctions. It became apparent to me during this conversation with Ms. Plevin that I was very important to both sides in the Corydon litigation and that I was again intensely involved with the organization and could not avoid involvement.

4. On October 23 I received a telephone call from Mr. Heller. He stated that his client would seek a protective order to prevent the deposition from going forward but that it probably would anyway. He asked if I would have an attorney at the deposition, and I said that Michael Flynn (who had represented me in Armstrong) did not wish to be involved, that so far I did not have another attorney for the deposition, and that it was likely I would not. Mr. Heller then offered to have his client pay for an attorney for me to be present at the deposition. I asked if it could be an attorney of my choice, and he said that he didn't see any problem but would need to ensure that the attorney would do what his client wanted. He said that to maintain the settlement agreement I could only answer questions by court order, that I should refuse to answer the deposition questions and force Mr. Corydon to

get an order from the court compelling me to answer. I said I would have to think about the problem and get some advice. Mr. Heller gave me his phone numbers and asked me to call him back within two days.

5. Following my conversation with Mr. Heller I called my attorney Michael Flynn who had negotiated the settlement of my lawsuit and similar settlements on the same date for several other individuals. I informed him of Mr. Heller's offer and he said that Mr. Heller had called him earlier and offered to pay him to attend my deposition to prevent my testifying. Mr. Flynn said that he had refused the offer and reiterated that he did not wish to be involved in any way in Scientology-related litigation. I confirmed with him that nothing in the settlement agreement proscribed my obtaining assistance or advice from anyone currently involved in litigation against the organization.

6. I then called Ms. Plevin, told her of the organization's offer to pay for an attorney for me at the deposition, and asked her if she and Mr. Corydon could match the offer. She said that she is a sole practitioner, that she and Mr. Corydon are keeping the lawsuit going on a shoestring, and that they could not pay for my attorney. She said, moreover, that even if she and Mr. Corydon could afford it they would not pay for an attorney for me because it would be unethical.

7. On October 25 I called Mr. Heller to tell him I considered it inappropriate for the organization to pay for an attorney for me. He said he had a problem with me responding to deposition questions concerning such things as L. Ron Hubbard's misrepresentations or my period as Mr. Hubbard's archivist in the organization. He said he wanted to have an attorney present to instruct me not to answer such questions so that Mr. Corydon would have to move to compel an answer. He said that if the court

ordered sanctions for my refusal to answer his client would indemnify me. He said I had a contractual obligation to the organization, which it had paid a lot of money for, not to divulge confidential information, and that if I answered I would have breached the settlement agreement and may get sued. He said he recognized that I was in the middle and that my safest position was to refuse to answer, make Mr. Corydon bring a motion to compel and let the court be the final arbiter.

8. This and other threats, other events and circumstances following the settlement, and my present level of importance to and involvement with the organization have impelled me to write this declaration. It is my opinion that some of the settlement conditions are unenforceable, that the organization is attempting to enforce them in a manner which is inconsistent with the spirit of settlement, and that these conditions and their attempted enforcement constitute an on-going obstruction of justice and violation of my and others' First Amendment rights. The purpose of this declaration is to make known this situation, to demonstrate certain conditions' unenforceability, and to support an action to have them so adjudged by the court with jurisdiction to enforce the terms of the settlement agreement. I am also providing this declaration to parties and lawyers involved in the correction of legal abuses.

9. On November 1, 1989 Mr. Heller, on behalf of Author Services, Inc. (ASI), a defendant in Corydon, filed a motion "to Delay or Prevent the Taking of Certain Third Party Depositions," a copy of which is attached hereto as Exhibit D. At page 4 Mr. Heller states:

"One of the key ingredients to completing these settlements, insisted upon by all parties involved, was strict confidentiality respecting:

(1) the Scientology parishioner or staff member's experiences within the

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EXHIBIT 9 PAGE 4

Church of Scientology; (2) any knowledge possessed by the Scientology entities concerning those staff members or parishioners; and (3) the terms and conditions of the settlements themselves."

10. The complete text of the settlement ingredient Mr. Heller has capsulized, paragraph 7D, reads:

"Plaintiff agrees never to create or publish or attempt to publish, and/or assist another to create for publication by means of magazine, article, book or other similar form, any writing or to broadcast or to assist another to create, write, film or video tape or audio tape any show, program or movie, or to grant interviews or discuss with others, concerning their experiences with the Church of Scientology, or concerning their personal or indirectly acquired knowledge or information concerning the Church of Scientology, L. Ron Hubbard or any of the organizations, individuals and entities listed in Paragraph 1 above. Plaintiff further agrees that he will maintain strict confidentiality and silence with respect to his experiences with the Church of Scientology and any knowledge or information he may have concerning the Church of Scientology, L. Ron Hubbard, or any of the organizations, individuals and entities listed in Paragraph 1 above. Plaintiff expressly understands that the non-disclosure provisions of this subparagraph shall apply inter alia, but not be limited, to the contents or substance of his complaint on file in the action referred to in Paragraph 1 hereinabove or any documents as defined in Appendix "A" to this Agreement, including but not limited to any tapes, films, photographs, recastings, variations or copies of any such materials which concern or relate to the religion of Scientology, L. Ron Hubbard, or any of the organizations, individuals, or entities listed in Paragraph 1 above. The attorneys for Plaintiff, subject to the ethical limitations restraining them as promulgated by the state or federal

regulatory associations or agencies, agree not to disclose any of the terms and conditions of the settlement negotiations, amount of the settlement, or statements made by either party during settlement conferences. Plaintiff agrees that if the terms of this paragraph are breached by him, that CSI and the other Releasees would be entitled to \$50,000 for each such breach. All monies received to induce or in payment for a breach of this Agreement, or any part thereof, shall be held in a constructive trust pending the outcome of any litigation over said breach. The amount of liquidated damages herein is an estimate of the damages that each party would suffer in the event this Agreement is breached. The reasonableness of the amount of such damages are hereto acknowledged by Plaintiff."

11. It is my opinion that the conditions of this paragraph are unenforceable for two reasons: a. the organization's actions since the settlement have rendered them invalid; b. they are so broad and at the same time so restrictive that, even if the organization had not acted to invalidate them, they deny me, on their face, several inalienable rights and are therefore against public policy.

12. Paragraph 7B of the December 1986 settlement agreement reads in part:

"Plaintiff understands that by the execution of this release no further claims arising out of his experience with, or actions by, the Releasees, from the beginning of time to and including the date hereof, which may now exist or which may exist in the future may ever be asserted by him or on his behalf, against the Releasees."

13. Paragraph 8 of the December 1986 settlement agreement reads:

"Plaintiff further agrees that he waives and relinquishes any right or claim arising out of the conduct of any defendant in this case to date, including any of the organizations, individuals or entities as set forth in Paragraph 1 above, and the named defendants waive and relinquish any right or claim arising out of the conduct of Plaintiff to date."

14. I am including these two paragraphs because they contain what to me is essential in the settlement agreement, and they show that my rights arising out of the conduct of the organization following the settlement are not waived or relinquished.

15. Sometime in the fall of 1987 I received a copy of a document, pages 11, 12, 18 and 29 from which are attached hereto as Exhibit E, created and circulated by the organization to discredit Bent Corydon who had written a book entitled L. Ron Hubbard, Messiah or Madman? which had been published in August that year. Mr. Corydon had interviewed me several months before the settlement and had used some of my statements from the interview, my trial testimony in Armstrong, and from declarations I had written during the pre-settlement litigation in his book.

16. At page 29 of their retort the organization states:

"Corydon has used a description of the RPF provided by Gerry Armstrong, among others. Armstrong's description in this book, however, is completely contrary to his own previous sworn affidavit about the RPF.

"Gerry Armstrong's description of the RPF in Corydon's book can also be viewed in light of Armstrong's numerous false claims and lies on other subject matters. See chapter on Corydon as an "author" for further information on Gerry Armstrong's incompetence as a researcher."

17. The chapter on Mr. Corydon as author contains the statement at page 12:

"Gerry Armstrong, another one of Corydon's main sources in the book, claims that L. Ron Hubbard " ... did not spend several years throughout Asia," and that Mr. Hubbard's total time in Asia was "a few weeks."

L. Ron Hubbard, in fact, was in Asia and the Orient several times during a three-year period , during which his travels were quite extensive."

These paragraphs concern my experiences in the organization as Mr. Hubbard's archivist and biographical researcher and my knowledge of Mr. Hubbard's history, and I consider that I have a right to reply.

18. The organization states at page 18 of its retort:

"Homer [Schomer] had testified in 1984 in a court case brought by the Church of Scientology against Gerald Armstrong (a former staff member who had stolen valuable documents from Church archives).

In the Christofferson case, Schomer admitted to having committed perjury in the previous Armstrong case."

I believe the organization is in violation of the settlement agreement by discussing the Armstrong case.

19. The organization states at page 11 of its retort:

"Corydon goes on to say that tens of millions of dollars paid for services delivered to Church members at the Flag organization were channeled into Hubbard's personal accounts.

There is no documentation to support this statement by Corydon. In fact, his claims are based on nothing more than hearsay, rumor and lies gathered from a small cabal of thieves, perjurers and disreputable sources."

While working on a project for Mr. Hubbard I acquired the knowledge that millions of dollars of organization money had been channeled into his accounts, I wrote a number of declarations containing this information after leaving the organization, and I know the other individuals

who had this and similar knowledge and who were Mr. Corydon's sources for his statement. To denominate us "a small cabal of thieves, perjurers and disreputable sources" I believe is scandalous.

20. On October 7, 1987 I received a call from Michael Flynn who relayed to me a message from Earle C. Cooley, one of the organization's principal attorneys, concerning the then proceeding trial in London, England of a lawsuit the organization had brought against a writer, Russell Miller. Mr. Miller had interviewed me in Boston, Massachusetts in 1986, some months before the December settlement, for a biography of L. Ron Hubbard. According to Mr. Flynn, Mr. Cooley stated that it had been disclosed during the trial that Mr. Miller possessed documents in violation of sealing orders in Armstrong, and he threatened that if I talked to any of the attorneys or parties involved in the trial the organization would view it as a breach of the settlement agreement.

21. In early 1988 I received copies of various documents, attached hereto as Exhibits F to K, from the case of Church of Scientology of California v. Russell Miller & Penguin Books Limited in the High Court of Justice, Case No. 6140. The organization had unsuccessfully sought pre-publication suppression of Mr. Miller's book, which he titled Bare-Faced Messiah, and it was published and distributed immediately following the October 1987 trial.

22. Attached hereto as Exhibit F is a copy of an affidavit of Kenneth David Long dated October 5, 1987, and the exhibits or partial exhibits thereto that so far I have in my possession. The purpose of Mr. Long's affidavit, as it relates to me, was to try to convince the English Court that I had provided documents to Mr. Miller in violation of various California Courts' sealing orders.

23. In pages 3 through 8 Mr. Long gives the organization's version of my job description and actions as Mr. Hubbard's biography researcher and archivist, the contracting of Omar V. Garrison to write the biography, and the procedural history in Armstrong from the filing of the complaint up to the settlement. At page 9 Mr. Long states that "following the trial the Church sought and obtained a series of sealing orders which effectively maintained the sealing of the trial exhibits right up to and including December 1986." He then identifies a number of documents Mr. Miller had quoted from in Bare-Faced Messiah: Mr. Hubbard's Boy Scout Diary, a letter to Mr. Hubbard from his mother, a letter from Mr. Hubbard to his first wife, Polly, a letter to the Cape Cod Instrument Company, a journal Mr. Hubbard kept while in the navy, three diaries from 1927 to 1929, and Mr. Hubbard's "Tentative Constitution for Rhodesia." Mr. Long also states that each of these documents "has never been unsealed or made available to the general public."

24. At page 13 of his affidavit Mr. Long, without providing any further elucidation, states, "I also know that Mr. Armstrong refused to obey an order of the court, and retained possession of documents which he had been ordered to surrender to the court for safekeeping under seal." He then concludes that "it is my belief that the documents quoted and paraphrased in Mr. Miller's manuscript were furnished to Mr. Miller by Mr. Armstrong, and that they could not have been furnished to Mr. Miller by anyone else as no one else other than Mr. Armstrong had access to these documents."

25. The exhibits Mr. Long identified and appended to his affidavit included the following:

a. A copy of my W-2 Wage and Tax Statements for 1977 and 1978. This document, which I have attached to Mr. Long's affidavit, shows

the court's exhibit sticker indicating it was admitted into evidence in Armstrong.

b. A copy of an affidavit I executed on April 12, 1980 while in the organization. This document, the first page of which I have attached to Mr. Long's affidavit, was also admitted into evidence in Armstrong.

c. A copy of my petition to Mr. Hubbard to assemble his archives for a biography. This document, which is presently unavailable to me, was admitted into evidence in Armstrong.

d. A non-disclosure and release bond executed by me on March 18, 1977. This document, the first page of which I have attached to Mr. Long's affidavit, shows the court's exhibit sticker indicating it was admitted into evidence in Armstrong.

e. A copy of my dispatch of February 22, 1980. This document, which is presently unavailable to me was admitted into evidence in Armstrong.

f. A copy of my dispatch of May 14, 1980. This document, which is presently unavailable to me, was admitted into evidence in Armstrong.

g. A copy of the agreement dated October 30, 1980 between Omar Garrison and AOSH DK Publications. This document, which is presently unavailable to me, was admitted into evidence in Armstrong.

h. A copy of a letter of November 14, 1980 from AOSH DK Publications regarding the Hubbard biography project. This document, which is presently unavailable to me, was admitted into evidence in Armstrong.

i. A copy of a resolution adopted by the organization's board of directors providing an assistant to Mr. Garrison. This document, which is presently unavailable to me, was admitted into evidence in Armstrong.

j. A copy of my letter of December 12, 1981 resigning from my position as Mr. Hubbard's researcher. This document, which is presently unavailable to me, was admitted into evidence in Armstrong.

k. A copy of pages 313 to 323 of my deposition testimony of August 1, 1986 in the case of Michael J. Flynn v. Church of Scientology International in the US District Court Central District of California, Case No. CV8504853R. I have attached these pages as an exhibit to Mr. Long's affidavit herewith.

26. Attached hereto as Exhibit G is a copy of a second affidavit of Mr. Long dated October 5, 1987 which was filed in the Miller case. In pages 2 through 16 of this affidavit Mr. Long again reviews the Armstrong litigation, expands his analysis of the case's various sealing orders, and again designates several documents he claims I gave Mr. Miller in contravention of those orders.

27. At page 9 of his affidavit Mr. Long identifies three diaries written by Mr. Hubbard between 1927 and 1929 and charges that Mr. Miller or Jonathan Caven-Atack, who had assisted Miller with his research, possessed them in violation of a sealing order in Armstrong. Mr. Long goes on to state at page 10: "I am certain that the only possible source for the diaries attached by Mr. Caven-Atack as Exhibit JC-A4 is Mr. Armstrong and/or his counsel."

28. In pages 11 to 15 of his affidavit Mr. Long describes a letter to Mr. Hubbard from his mother, Mr. Hubbard's Boy Scout diary, and a letter from Mr. Hubbard to his first wife, Polly, and alleges that Mr. Miller or Mr. Caven-Atack obtained these documents from me in violation of the Court's sealing orders.

29. At page 16 Mr. Long describes three letters from Mr. Hubbard to Helen O'Brien and goes on to state: "All three of these letters were surrendered to the Clerk of the Court by Mr. Armstrong and his counsel in September 1982, and all remained under seal until they were returned to the Church in December 1986. Mr. Miller's inclusion of the information cited herein clearly shows additional breaches of confidence and violation of the orders issued by the California courts."

30. I consider that Mr. Long's assertions of what documents were sealed, when they were sealed and where they originated are erroneous, and his conclusion that I had violated the Los Angeles Superior Court's sealing orders fallacious.

31. Attached hereto as Exhibit H is a copy of a third affidavit of Mr. Long dated October 5, 1987 and filed in the Miller case. At page 4 Mr. Long repeats his accusation that "the evidence is irrefutable that the great majority of these biographical documents were obtained by Mr. Caven-Atack and Mr. Miller in violation of court sealing orders." And he states: "Gerald Armstrong has been an admitted agent provocateur of the U.S. Federal Government who planned to plant forged documents in Church files which would then be "found" by Federal officials in subsequent investigation as evidence of criminal activity."

32. Attached hereto as Exhibit I is a copy of pages 1 and 4 of an affidavit of Sheila MacDonald Chaleff dated October 5, 1987 which was filed in Miller. I do not at present have pages 2 and 3. Ms. Chaleff, whom I do not know, states at page 4: "Mr. Armstrong is known to me to be a US government informant who has admitted on video tape that he intended to plant forged documents within the Church of Scientology and then using the

contents to get the Church raided where these forged documents would be found and used against the Church."

33. Attached hereto as Exhibit J is a copy of an affidavit of Mr. Long dated October 7, 1987 and filed in Miller. The copy I have is missing a page at paragraphs 4 to 7. At paragraph 2 Mr. Long describes his responsibilities:

"I have been deeply involved in the litigation of (Armstrong) since the inception of that litigation on August 2, 1982. During the course of my participation in that litigation, I personally inventoried the materials surrendered pursuant to court order to the Clerk of the Los Angeles Superior Court in September 1982 by Gerald Armstrong and his counsel. I also attended almost every deposition and/or pre-trial proceeding held in that case, and was present as an assistant to counsel throughout each day of the trials proceedings in May and June, 1984." At paragraph 7 Mr. Long concludes: "There is no legal way that Mr. Armstrong, Mr. Miller and/or Mr. Newman could have possession of these materials."

34. At paragraph 9 Mr. Long identifies a document he has written entitled "A Chronological History of Major Armstrong Case Orders," and at paragraph 10 he describes the security operation he and a staff maintained throughout the life of the Armstrong documents as their fate was decided by various courts:

"...I maintained, along with my staff, a daily check with each court in which a temporary stay order was pending in order to ensure that I learned the minute a ruling was issued. So before the trial court received any order vacating a sealing order, the Church obtained another order sealing them up again. In actuality, it took 3-5 days for the trial court to receive a vacating order from the Higher Court and before rescript I would

personally hand deliver a new stay order. In addition, I also had my staff maintain a watch over the area of the court where these documents were kept during each so called "window" period and no one viewed and/or copied the materials." Mr. Long concludes that "(t)here can be no doubt that the documents in issue herein, no matter through whom they were funneled to Mr. Miller, originated from Mr. Armstrong, in violation of court orders."

35. At paragraph 15 Mr. Long argues the matter of the Helen O'Brien letters:

"Gerald Armstrong was the only person that had these letters and he knowingly violated several court orders -- the August 24, 1982 court order to turn in all materials to the court and the June 20, 1984 court order sealing the documents. He obviously didn't keep them sealed since Mr. Newman and Mr. Miller have copies and he didn't turn in all copies of the letters when ordered, since as a condition of settlement Mr. Armstrong turned in any materials he had concerning LRH or the Church. I personally inspected the documents he turned in in January 1987 and among them were the three Helen O'Brien letters, letters that he was ordered to turn into the court."

36. The text of the settlement agreement relating to documents, Paragraphs 7E and 7L, reads:

E. With exception to the items specified in Paragraph 7L, Plaintiff agrees to return to the Church of Scientology International at the time of the consummation of this Agreement, all materials in his possession, custody or control (or within the possession, custody or control of his attorney, as well as third parties who are in possession of the described documents), of any nature, including originals and all copies or summaries of documents defined in Appendix "A" to this Agreement, including but not

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limited to any tapes, computer disks, films, photographs, recastings, variations or copies of any such materials which concern or relate to the religion of Scientology, L. Ron Hubbard or any of the organizations, individuals or entities listed in Paragraph 1 above, all evidence of any nature, including evidence obtained from the named defendants through discovery, acquired for the purposes of this lawsuit or any lawsuit, or acquired for any other purpose concerning any Church of Scientology, any financial or administrative materials concerning any Church of Scientology, and any materials relating personally to L. Ron Hubbard, his family or his estate. In addition to the documents and other items to be returned to the Church of Scientology International listed above and in Appendix "A", Plaintiff agrees to return the following:

(a) All originals and copies of the manuscript for the work "Excalibur" written by L. Ron Hubbard;

(b) All originals and copies of documents commonly known as the "Affirmations" written by L. Ron Hubbard; and

(c) All documents and other items surrendered to the Court by Plaintiff and his attorneys pursuant to Judge Cole's orders of August 24, 1982 and September 4, 1982 and all documents and other items taken by the Plaintiff from either the Church of Scientology or Omar Garrison. This includes all documents and other items entered into evidence or marked for identification in Church of Scientology of California v. Gerald Armstrong, Case No. C 420 153. Plaintiff and his attorney will execute a Joint Stipulation or such other documents as are necessary to obtain these documents from the Court. In the event any documents or other items are no longer in the custody or control of the Los Angeles Superior Court, Plaintiff and his counsel will assist the Church in recovering these documents as quickly as possible.

including but not limited to those tapes and other documents now in the possession of the United States District Court in the case of United States v. Zolin, Case No. CV 85-0440-HLH(Tx), presently in the Ninth Circuit Court of Appeals. In the event any of these documents are currently lodged with the Court of Appeal, Plaintiff and his attorneys will cooperate in recovering those documents as soon as the Court of Appeal issues a decision on the pending appeal."

L. Notwithstanding the provisions of Paragraph 7(E) above, Plaintiff shall be entitled to retain any artwork created by him which concerns or relates to the religion of Scientology, L. Ron Hubbard or any of the organizations, individuals or entities listed in Paragraph 1 above provided that such artwork never be disclosed either directly or indirectly, to anyone. In the event of a disclosure in breach of this Paragraph 7(L), Plaintiff shall be subject to the liquidated damages and constructive trust provisions of Paragraph 7(D) for each such breach."

37. I believe the provisions of Paragraphs 7E and 7L are unenforceable because the organization has itself violated the intent of the settlement agreement by acting improperly with the documents entrusted to it, by its own violations of sealing orders, and by its failure to deliver to me my documents in reciprocity.

38. Attached hereto as Exhibit K is a copy of an affidavit of Mr. Long dated October 8, 1987 and filed in Miller. Mr. Long responds to explanations in additional affidavits of Mr. Miller and Mr. Caven-Atack concerning sources and routes for their Hubbard documents. Mr. Long concludes again that "there is no doubt that the documents in question in the suit were improperly obtained in violation of Court Orders and in Breach of Confidence." He also quotes in his affidavit from the transcript of a hearing

of April 23, 1984 in Armstrong, a declaration of Michael Flynn from "another church case," and a comment of my lawyer Julia Dragojevic at a deposition of Homer Schomer.

39. Mr. Long also identifies, produces and quotes from an affidavit of mine dated March 7, 1986, a copy of which I have attached hereto as Exhibit L. This affidavit was filed in Tonja Burden v. Church of Scientology of California, et al. U.S. District Court, Middle District of Florida, Tampa Division, Case No. 80-501-Civ-T-17. The organization settled this case in 1986 and had the case file sealed.

40. On December 21, 1988 I received a call from Michael Flynn who relayed a message from Michael Lee Hertzberg, one of the organization's leading lawyers. Paul Morantz, Bent Corydon's attorney in one or another case, filed a motion to unseal the Armstrong court file. Judge Geernaert, who had inherited the Armstrong file after Judge Breckenridge retired, allowed the unsealing. The organization had 30 days to appeal. They wanted me to file a pleading to keep the court file sealed. They said that otherwise the "pig document" would come out. (This document, which was specifically sealed by Judge Breckenridge, was a recitation of a dream I had in 1985.) They also stated that if I didn't file something it would unsettle the settlement. They said they have a case on point. They said it would be bad for me. I could have to give the (settlement) money back. Mr. Flynn translated the facts to me: "It's a veiled threat." I said my decision at that time was to do nothing.

41. On December 22, 1988 Mr. Flynn called to tell me he had received the organization's petition for a writ of supersedeas. He said the case Mr. Hertzberg had been citing regarding unsettling the settlement involved a doctor who molested a minor patient. As part of the settlement

the file was sealed. Mr. Flynn said he was unsure how the case applies to what the organization wanted me to do. He said the court didn't get to the point of dealing with unsettling the settlement. I said I would still do nothing.

42. On December 27, 1988 I again spoke by telephone with Mr. Flynn who had himself spoken to lawyers on both sides of Mr. Corydon's litigation. This is what I considered relevant at the time: Following Judge Geernaert's unsealing of the Armstrong court file, the organization filed a petition for a writ of supersedeas claiming the sealing of the file was consideration for settlement. In his response Paul Morantz filed some settlement documents, a notary seal from the State of Pennsylvania on which identified Bill Franks, like me a former organization executive and witness in various organization-related cases, as their source. Mr. Franks had sent the documents to a lawyer to look at and the lawyer gave them to another lawyer who gave them to Mr. Morantz. The organization reacted. They claimed to have "the smoking gun," the proof of settlement violations. They charged that there are numerous breaches: they knew last summer that Mr. Franks had spent time with the Aznarans (who I understood to be organization executives who had recently defected and had sued the organization); and they had some instance of Homer Schomer doing something three weeks before. Mr. Flynn advised me he was going to file a pleading to say that the settlement documents should remain sealed. I said I felt the court file should be unsealed and almost certainly would be at some point, but that I wouldn't do anything at that time. Around November 15, 1989 I received from Ms. Plevin a copy of a document entitled "Response of Gerald Armstrong to Opposition Filed By Real Party in Interest, Bent Corydon" which is attached hereto as Exhibit M.

43. On November 18, 1989 I received a copy of a videotape of me edited from illegal videotapes made in 1984 by organization operatives and used thereafter against me. This copy had been given to the London Sunday Times along with a package of documents concerning me which I do not yet have, in late 1987 or early 1988. Taped to the cassette is the business card of Eugene M. Ingram, the organization's private detective who set up the illegal videotaping. A copy of one side of the video cassette showing Mr. Ingram's card is attached hereto as Exhibit N.

44. On November 20, 1989 I received a call from Mr. Heller who said he wanted to talk me into giving the organization a declaration. He said Homer Schomer, who had also been subpoenaed to testify at a deposition in Corydon, had given them a declaration. Mr. Heller said it was very simple and straightforward, just two things: that I'd had either no or minimal contact with Mr. Corydon in the organization; and that subsequent to leaving I had received no information regarding him. Mr. Heller said that my signing a declaration to help ensure the deposition doesn't go forward would be of assistance to the organization and me. He said we would both have hassles if my deposition goes forward. I told Mr. Heller that it would be inappropriate and I couldn't give him the declaration. I said that I know Mr. Corydon quite well. Mr. Heller said that the organization and he did not see me as a relevant witness but a way for Corydon's attorneys to leverage a settlement. I said I saw myself as a relevant witness. I said, "From everything I've seen that's going on and everything I've heard that's going on and knowing my history and the issues I cannot see ducking (the deposition) at all. The truthful declaration would be that I would see that my experiences and my knowledge of Bent would be relevant to his case." Mr. Heller said that if I thought I would be helping Bent Corydon by

appearing, I might, but that for sure he would never help me. He said only the organization would ever help me. He stated that I should assist the organization because it had honored its agreement. He said that the organization had signed a non-disclosure agreement as well and as far as he knew had lived up to its agreement. When I paused in answering he said that if there had been any violations he wanted to know and he would rectify the problem. I said, "I think you could check with Ken Long on what has been done regarding Gerald Armstrong subsequent to the settlement. Just get from him everything that's been filed regarding Armstrong, all his declarations regarding me, all the so-called false report corrections that have been put out subsequent to the settlement, any time the so-called "Armstrong Operation" videotape has been used subsequent to the settlement." Mr. Heller reiterated at the end of our conversation that if I start to testify, for example about the Hubbard biography project, or things he and the organization consider irrelevant, they will carefully examine their rights as to what action they will take. He said he strongly suggested that I refuse to answer subject to attorney instruction. He said I had a contractual obligation as far as he could tell.

45. The provisions of the settlement agreement relating to testifying, Paragraphs 7G and 7H, read:

G. Plaintiff agrees that he will not voluntarily assist or cooperate with any person adverse to Scientology in any proceeding against any of the Scientology organizations, individuals, or entities listed in Paragraph 1 above. Plaintiff also agrees that he will not cooperate in any manner with any organization aligned against Scientology.

H. Plaintiff agrees not to testify or otherwise participate in any other judicial, administrative or legislative proceeding adverse to Scientology

or any of the Scientology Churches, individuals or entities listed in Paragraph 1 above unless compelled to do so by lawful subpoena or other lawful process. Plaintiff shall not make himself amenable to service of any such subpoena in an manner which invalidates the intent of this provision. Unless required to do so by such subpoena, Plaintiff agrees not to discuss this litigation or his experiences with anyone other than members of his immediate family. As provided hereinafter in Paragraph 18(d), the contents of this Agreement may not be disclosed."

46. It is my opinion that these provisions are unenforceable because the organization is using them in a coercive and obstructive manner, because on their face they deny equal justice to anyone who would engage the organization legally, and because they are suppressive of several basic rights: speech, assembly, safety, happiness.

47. On November 30, 1989 I attended a hearing in Corydon of the organization's motion to prevent my deposition from going forward before Judge Norman Epstein in the Los Angeles Superior Court. Judge Epstein ruled that the deposition would go forward and it is now set for April 12 and 13, 1990.

48. While at the hearing I was served with a subpoena duces tecum, a copy of which is attached hereto as Exhibit O, ordering me to appear as a witness in the trial of Religious Technology Center, et al. v. Joseph Yanney, et al., Los Angeles Superior Court Case No. C690211. The subpoena also orders the production of the settlement agreement. The Yanney trial is at this date proceeding before Judge Raymond Cardenas in department 41.

49. On January 18, 1990 I received from Flynn, Sheridan and Tabb, the law firm which had represented me in Armstrong, a copy of a new appeal, No. B025920, which the organization had filed on December 21, 1989

in Division Three of the Second Appellate District in the California Court of Appeal. In this appeal the organization seeks a reversal of the Breckenridge decision (Exhibit A).

50. On January 30, 1990 I received from Flynn, Sheridan & Tabb the "Reply Brief of Appellants and Response to Cross-Appeal" filed in Division Four of the Second Appellate District in the Court of Appeal in a case entitled Church of Scientology of California and Mary Sue Hubbard, Appellants, against Gerald Armstrong, Defendant; Bent Corydon, Appellee, Civ. No. B038975. In this appeal the organization is seeking a reversal of Judge Geernaert's decision unsealing the Armstrong case file.

51. On February 15, 1990 I received a telephone call from attorney Michael Tabb, a partner of Michael Flynn, who said that he had been called by Larry Heller who told him that the organization considered I had violated the settlement agreement by being in the courthouse to be served in Yanney, that they intended to prove it, and that I would be sued.


52. On February 20, 1990 I executed a document I titled "Respondent's Petition for Permission to File Response and for an Extension of Time to File Response," a copy of which is attached hereto as Exhibit P, and had it mailed to the Court of Appeal. The document was filed in the Armstrong appeal, No. B025920, in Division Three on February 28.

53. On February 21, 1990 I executed a document I titled "Defendant's Petition for Permission to File Response and for Time to File," a copy of which is attached hereto as Exhibit Q, and had it mailed to the Court of Appeal. This document was filed in the Corydon appeal, No. B038975, in Division Four on March 1.

54. At some point the Court of Appeal unsealed the settlement agreement, which I had attached as a sealed exhibit to my two petitions, and which I have attached hereto as Exhibit R.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this fifteenth day of March, 1990 at Oakland, California.

A handwritten signature in black ink, appearing to be 'G. Armstrong', written over a horizontal line.

Gerald Armstrong

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EXHIBIT H

5-7-85

DECLARATION OF GERALD ARMSTRONG

I, GERALD ARMSTRONG, declare:

(1) In the case of Julie Christofferson-Titchbourne v. Church of Scientology of California, et al., Multnomah County, Oregon, Circuit Court No. 7704-05184, currently being tried in Portland, Oregon, defendant organization was ordered to produce my B-1 files. B-1 is Bureau One, the Intelligence Bureau of the Guardian's Office.

(2) Although the names B-1 and Guardian's Office have been changed, the same intelligence functions are still performed by Scientology connected organizations. I was present in court during the Christofferson trial, when Howard Gutfeld, a Scientology representative, testified that B-1, intelligence files and private investigator reports are now maintained in the Office of Special Affairs, a branch of Scientology.

(3) Defendant organization in Christofferson produced approximately five inches of materials from my B-1 files. Many of the intelligence reports or operations programs referenced in the B-1 materials produced, have been deleted by defendant organization. Nevertheless, the materials which were produced are completely relevant in the instant case. The materials produced are all internal Scientology correspondence or programs, and there is no correspondence to or from attorneys.

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EXHIBIT 3 PAGE 48

H.

(4) There are numerous references to my preclear (pc) files in the produced B-1 materials, and there are entries in the B-1 time track, the chronology that forms part of the B-1 materials, which show unequivocally that Scientology intelligence personnel had my pc files after I left the organization, and excerpted data for intelligence use. One such entry uses the words "in session" as source of an account of a sexual encounter I had with a woman. "In session" means that the information came from the auditor's reports in an "auditing session."

(5) My pc folders were used as well in the operation by Scientology/Hubbard against me which resulted in the illegal videotaping of me in a series of conversations with individuals who represented to me that they sought to reform the organization and correct its abuses. There are statements on the videotapes which substantiate the fact that my pc folders were used as a lure to entrap me.

(6) Just after the trial in the defense part of the instant case and just prior to my going to London, England to testify in a child custody case, I received a call from someone whom I later confirmed was "Joey," the intelligence operative videotaped along with me in the November 7 and 9, 1984 meetings. In the telephone call, Joey said that my pc folders were being moved and I would be able to get them if I wanted. He said that my folders would be in a certain place the next night where I would be able to pick them up.

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I asked him if it could be at all construed that I would be accepting stolen property and he said he didn't know. For that reason and because I was leaving for London, I declined Joey's offer. This phone call is discussed in the November 7, 1984 videotape.

(7) In another November, 1984 meeting with Mike Rinder, another Scientology operative, which meeting was also surreptitiously videotaped, my pc folders were also discussed. Rinder stated that (following the Armstrong trial) my folders were moved from Clearwater. This was probably a lie, since the whole operation against me was based on lies by the organization, but it did show Rinder's knowledge of the use of my pc folders in the operation.

(8) The idea to use my pc folders to entrap me arose from a "debrief" by my former wife, Terri Gamboa, of a meeting we had in March, 1984 just prior to the Armstrong trial. This "debrief," attached hereto as Attachment A, was recently produced by Scientology as part of my B-1 files and was admitted into evidence in the Christofferson trial. The "briefing" and all other programs and documentation which arose from this "debrief," have not been produced.

(9) Regarding my pc folders, Mrs. Gamboa states in Attachment A, page 4, paragraphs 6 and 7: **001133**

"An important point for him was getting his pc folders back as he feels that that's the solution

to his future sanity. He brought this up several times.

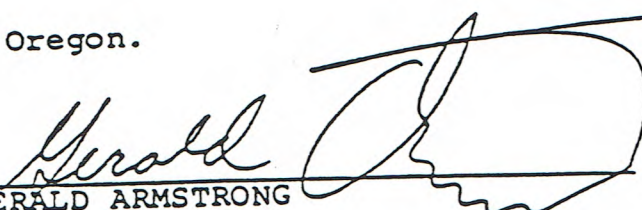
A line has been established with him and possibly this can be built up from here and used again in the future. He is desperate and he has no way out at this point."

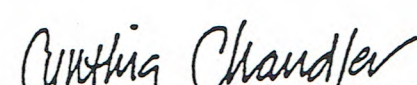
Terri Gamboa was then working for Author Services, Inc., yet the "debrief" was in Scientology intelligence files.

(10) There is no doubt that Scientology/Hubbard or their connected corporations have used my pc folders, and used the information and the folders themselves to entrap, intimidate and destroy me. The folders and contents are mine and these organizations do not have the remotest right to them.

Sworn under the pains and penalties of perjury this 7th day of May, 1985.

Executed at Portland, Oregon.


GERALD ARMSTRONG


Cynthia Chandler
Notary Public for Oregon
My Commission expires: 5/11/87

001134

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ORIGINAL

FILED

MAR 17 1992

HOWARD HANSON
MARIN COUNTY CLERK
By A. Cooper, Deputy
A. Cooper

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 FOR THE COUNTY OF MARIN

13 CHURCH OF SCIENTOLOGY)
14 INTERNATIONAL, A California)
15 not-for-profit religious)
16 corporation,)
17 Plaintiff,)
18 vs.)
19 GERALD ARMSTRONG and DOES 1)
20 through 25, inclusive,)
21 Defendants.)

No. 152229

DECLARATIONS OF MICHAEL J.
FLYNN, ESQ. FILED IN SUPPORT OF
AMICUS CURIAE BRIEF OF JOSEPH A.
YANNY IN OPPOSITION TO
PLAINTIFF'S ORDER TO SHOW CAUSE
RE PRELIMINARY INJUNCTION

DATE: March 20, 1992
TIME: 9:00 a.m.
DEPT: 4

[Filed Concurrently With Joseph
A. Yanny's Amicus Curiae Brief;
Appendix of Authorities In
Support of Amicus Curiae Brief]

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6
7
8 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

10
11 CHURCH OF SCIENOTOLOGY OF)
12 CALIFORNIA,)

No. C 420 153

13 Plaintiff)

14 v.)

AFFIDAVIT OF MICHAEL J. FLYNN

15 GERALD ARMSTRONG, et al.,)

16 Defendants)

17 AND RELATED CROSS ACTION)
18

19 I, MICHAEL J. FLYNN, being duly sworn, depose and
20 say:

21
22 1) I am a member of the Massachusetts Bar and am
23 engaged in the private practice of law in the City of Boston.

24
25 2) I have been involved in numerous litigations
26 against the Church of Scientology ("Scientology") for more
27 than four (4) years, both as a party and as an attorney
28 representing parties. I currently represent approximately

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1 thirty-five (35) plaintiffs and defendants in litigation
2 with Scientology. These include journalists, former members
3 of Scientology, and parents of members. I have also served
4 as special counsel to the City of Clearwater, Florida. The
5 information set forth in this affidavit is based on my
6 personal knowledge and on information obtained in connection
7 with the aforementioned litigations.

8
9 3) I make this affidavit to assist the Court in
10 understanding the general and specific contexts of Scientology's
11 purpose and intent in bringing this latest harassive legal
12 proceeding against me and specifically in support of my
13 opposition to this latest contempt charge. This is the
14 third such contempt charge. One has already been dismissed
15 as discussed infra. This affidavit is intended to place the
16 sealing order of this Court, the contempt charge, the complexity
17 of the Scientology litigation and my collection of documents
18 and information from literally thousands of diverse sources,
19 all in the context of my First Amendment rights. It is
20 submitted that the Court's understanding of these issues and
21 facts will demonstrate that this contempt action is without
22 merit or justification.

23
24 4) A review of this background will help illuminate
25 the underlying rationale for the institution of the present
26 contempt proceeding which essentially encompasses the efforts
27 of Scientology to prevent members of the Bar from representing
28 parties who have claims against it and who have been endeavoring

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1 hereto as Exhibit A.) In addition, many suits have been
2 brought in the names of individual Scientology members (See,
3 e.g. Exhibit F, described in ¶15 below), and innumerable
4 others have been filed around the world (See, e.g., Exhibit D
5 described in ¶10 below, at P. 5).

6
7 7) This activity is not a coincidence; it is Sci-
8 entology policy. L. Ron Hubbard, who founded the group,
9 explained in the article annexed hereto as Exhibit B, that
10 "to make things interesting" for ~~those~~ who "abuse or degrade
11 the subject" of Scientology, they should be sued:

12 "the purpose of the suit is to harass and dis-
13 courage rather than to win.
14

15 The law can be used very easily to harass and
16 enough harassment on somebody who is simply on the
17 thin edge anyway, well knowing that he is not
18 authorized, will generally be sufficient to cause
19 his professional decease. If possible, of course,
20 ruin him utterly." Id. at 55.
21

22 8) While such tactics have been repeatedly con-
23 demned by the courts, see, e.g., Church of Scientology v.
24 McLean, 615 F.2d 691 (5th Cir. 1980), they continue. See
25 "Scientology's War Against Judges," American Lawyer, September
26 1980, a copy of which is annexed hereto as Exhibit C. (In
27 fact, the group has brought 12 groundless actions in various
28 jurisdictions against me, my employees, and my relatives as

1 discussed infra).
2

3 9) The reason is not obscure. Scientology main-
4 tains a policy of "fair game" -- which permits "enemies" to
5 be "injured by any means...tricked, sued, or lied to or
6 destroyed," see Allard v. Church of Scientology of California,
7 58 Cal.App. 3d 443, 129 Cal.Rptr. 797 (2nd Dist. 1976),
8 cert. denied 429 U.S. 1091 (1977) (quoting from Scientology
9 policy; awards \$100,000 to former member prosecuted on
10 trumped-up theft charge) -- to cover up its ongoing activities.
11 These include financial manipulation, the brainwashing and
12 blackmail of members, and the commission of crimes.
13

14 10) Many of these criminal activities have been
15 directed against me -- I have solid grounds for believing
16 that Scientology has tampered with my private airplane in an
17 attempt to kill me, trespassed into my law offices and
18 office premises seeking confidential information and stolen
19 approximately 20,000 documents, charged calls to my telephone,
20 and made bomb threats to harass me. A detailed account of
21 some additional ones is contained in the Sentencing Memorandum
22 submitted by United States Attorney Charles Ruff of the
23 District of Columbia in U.S. v. Kember, et al., Crim. No.
24 78-401 (2), (3) (D.D.C. 1980), in which top Scientology
25 officials were convicted of nine counts of aiding and abetting
26 burglary in the second degree. A copy of that Memorandum is
27 annexed hereto as Exhibit D.

28 ////

001140

1 Scientology and Free Speech

2
3 11) As noted in ¶4, freedom of speech is a special
4 target of Scientology's tactics of harassment through litigation.
5 In the article annexed as Exhibit B, Founder Hubbard states:

6 "[W]e do not want Scientology to be reported in the
7 press anywhere else than on the religious page of
8 the newspapers. It is destructive of word of
9 mouth to permit the public presses to express
10 their biased and badly reported sensationalism.
11 Therefore, we should be very alert to sue for
12 slander at the slightest chance so as to dis-
13 courage the public presses from mentioning Sci-
14 entology." Id. at 51.

15
16
17 12) Jane Kember, the high-ranking Scientology
18 official convicted in U.S. v. Kember, supra, recounted
19 Scientology's worldwide efforts to suppress criticism in a
20 document annexed hereto as Exhibit E. With regard to American
21 actions, the document advocates harassing "opponents and
22 their lawyers with correspondence (a lawyer's letter costs
23 approximately \$50), phone calls (time costs), interrogatories,
24 depositions and whatever else legal can mock up," making it
25 "more costly to continue the legal action than to settle in
26 some fashion." Id. at 3. Cf. Church of Scientology v.
27 Cazares, 638 F.2d 1272, 1290 (5th Cir. 1981) (ordering
28 Scientology to pay legal costs of critic whom it has sued in

1 a "frivolous, unreasonable, and groundless" action).

2
3 13) In short, as the Sentencing Memorandum in
4 Kember notes, Scientology routinely files suits "for the
5 sole purpose of financially bankrupting its critics and in
6 order to create an atmosphere of fear so that critics would
7 shy away from exercising the First Amendment rights secured
8 by the Constitution," Exhibit D at 15. This is the crux of
9 this latest contempt action, particularly as it affects my
10 First Amendment rights.

11
12 Scientology and Attorney Michael J. Flynn

13
14
15 14) Scientology's activities with regard to the
16 present proceeding fit perfectly into the pattern I have
17 been describing.

18
19 15) In July 1979, I undertook the representation
20 of La Venda Van Schaick in connection with her attempt to
21 secure a refund of monies that she had paid to the Church.
22 After simply writing a letter requesting the return of said
23 funds, and shortly before actually instituting a suit, the
24 Church of Scientology proceeded to do the following:

- 25
26 (a) Infiltrate my law office with prospective employees;
27 (b) Steal thousands of documents of an attorney/client
28 character from my office and premises;

1 (c) Contact my clients for the purposes of separating
2 them from me as clients;

3 (d) Generally engage in a wholesale pattern of "operations"
4 to dissuade me from representing La Vanda Van
5 Schaick. See attached affidavit of a former
6 Scientology agent, Warren H. Friske, annexed
7 hereto as Exhibit F.

8
9 16) After I brought suit on behalf of La Vanda Van
10 Schaick in the Boston Federal District Court, the Church of
11 Scientology within a matter of days instituted legal proceedings
12 in the Las Vegas Federal District Court against Van Schaick,
13 Thomas Hoffman (my colleague), and Kevin Flynn (my brother).
14 The suit was dismissed within approximately 30 days after a
15 Motion to Dismiss was filed. The Church then proceeded to
16 institute lawsuits in the Las Vegas Circuit Court, Suffolk
17 County Superior Court, Boston, Los Angeles, California and
18 Tampa, Florida. To date, the Church of Scientology has
19 brought legal proceedings against myself and my colleagues
20 on twelve (12) separate occasions. Seven (7) cases have
21 been dismissed to date and Motions to Dismiss are pending
22 in the other cases more recently brought. This latest
23 action only represents a continuation of the Church policy
24 to harass me and interfere with my representation of my
25 clients. See, Decision of Garrity, J. attached hereto as
26 Exhibit G wherein Judge Garrity recognized the existence of
27 an "Operation" code named "Juggernaut." Judge Garrity
28 stated:

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1 "Similarly, the plaintiff alleges that 'Operation
2 Juggernaut' 'included, among other things, intensive
3 covert surveillance of plaintiff's attorneys by
4 various means, and the filing of lawsuits against
5 plaintiff and plaintiff's attorneys in remote
6 foreign jurisdictions.' Plaintiff alleges that
7 the 'Juggernaut' documents are relevant because
8 they relate to the general climate of terror which
9 the defendants intentionally created in an attempt
10 to force the plaintiff into submission.' Presumably,
11 if they demonstrate what plaintiff contends, they
12 could be relevant to claims of intentional infliction
13 of emotional distress, interference with plaintiff's
14 efforts to pursue her legal remedies, and malicious
15 prosecution....

16
17 ... The court received all of the 'Shake and Bake'
18 and 'Juggernaut' documents in camera, so we have
19 not heard the views of plaintiff's counsel on the
20 relevance of the specific documents before the
21 court. However, given his general knowledge about
22 the defendant's operation and what he has been
23 told by former church members about the contents
24 of these documents, plaintiff's counsel has sought
25 to demonstrate to the court that these documents
26 are relevant to plaintiff's case. We have read
27 each one of the nine exhibits carefully, and in
28 our view they are all relevant and discoverable

1 unless they are privileged." (Emphasis Supplied)

2
3 17) In addition to the numerous lawsuits, harassive
4 activities, threats, theft of documents and general inter-
5 ference with my law practice, the Church of Scientology has
6 presently initiated a nationwide "black PR" campaign to
7 destroy my reputation. This campaign was also recognized by
8 Garrity, J. at Pp. 9-10 in the attached Exhibit G wherein he
9 quoted the folloiwng from Hubbard's "dictionary":

10 = "Black propaganda.

11 ***

12 6. a covert attack on the reputation of a person,
13 company or nation using slander and lies in order
14 to weaken or destroy. (MCO PL 21 Nov 72 I)."

15
16 18) The Church of Scientology has disseminated
17 copies of two recent lawsuits and this contempt proceeding
18 throughout the United States as part of its "black PR"
19 campaign. The preparation of my defense to this proceeding
20 requires that this Court comprehend the magnitude of the
21 harassive activities of the Church of Scientology through
22 the use of the legal system, the magnitude of the litigation
23 throughout the United States, and the magnitude of the
24 documents and information which I have collected as part of
25 a "general repository of information" which the First Amendment
26 protects.

27 ////

28 ////

001145

1 19) Recently, on September 7, 1983, I instituted
2 an action in the Boston Federal District Court against L.
3 Ron Hubbard in connection with a four-year scheme to "destroy"
4 my law practice, my reputation, my clients, and myself,
5 which scheme includes death threats, theft of office files,
6 harassment of clients, twelve (12) frivolous legal proceedings,
7 nine (9) frivolous Bar complaints, attempted murder, attempted
8 "frame-up," defamation, and a myriad of tortious, harassive
9 and abusive activities. A copy of the Complaint in said
10 action is attached hereto as Exhibit H. Said Complaint sets
11 forth in some detail the activities of Scientology and its
12 agents recited above. The lawsuits which have been instituted
13 against me for purposes of harassment, seven (7) of which
14 have been dismissed are as follows:

15 I. Church of Scientology of Boston, Inc. v.
16 Michael Flynn, Civil No. 40906. (Suffolk
17 Superior Court. Mass., 1980)

18 II. Church of Scientology of Nevada, Inc. v.
19 Thomas Hoffman, Kevin Flynn, et al, Civil No.
20 LV-80-10-HEC (D.Nevada, 1980)

21 III. Church of Scientology of Nevada, Inc. v.
22 Kevin Flynn and La Venda Van Schaick, Civil
23 No. 196880, Nevada Circuit Court

24 IV. Church of Scientology of Nevada, Inc. v.
25 Michael Flynn, Civil No. 202573, Nevada
26 Circuit Court

27 V. Steven Miller v. Michael Flynn, et al, Civil
28 No. 81-4275 (C.D. Calif., 1981)

- 1 VI. Cazares v. Church of Sciетnology, Civil No.
2 81-3472-CA-01, Volusia County Circuit Court
3 VII. Garrison v. Kevin Flynn, et al, Civil No. 81-
4 2608-T (D.Mass., 1981)
5 VIII. Church of Scientology of California, Inc. v.
6 Michael Flynn, Thomas Hoffman and Thomas
7 Greene, Civil No. CV-83-896-CBM (C.D. Calif.,
8 1983)
9 IX. Church of Scientology v. Michael Flynn,
10 Thomas Hoffman, Thomas Greene and Kevin
11 Flynn, CV-81-3259-CBM; CV-81-3260-CBM (C.D.
12 Calif., 1983)
13 X. Flag Service Org., Inc. v. Michael Flynn and
14 the City of Clearwater, Civil No. 82-440-CIV-
15 T-WC (Tampa, Fla., 1982)
16 XI. Church of Scientology of California, Inc. v.
17 Michael Flynn, Civil No. 83-2386-S (S. Mass.,
18 1983)
19 XII. Church of Scientology of California, Inc. v.
20 Michael Flynn, Civil No. 83-5205-R (C.D.
21 Calif., 1983) 83-5052-R
22

23 The Collection of Documents and Materials by Michael J. Flynn
24

25 20) In connection with the extensive litigation in
26 which I have been involved with the Church of Scientology,
27 L. Ron Hubbard, and Mary Sue Hubbard, including the cases
28 recited in the foregoing paragraph, I have collected approxi-

1 mately 40,000 documents, hundreds of publications of the
2 Church of Scientology, and discovery materials so extensive
3 that they fill approximately four 3-drawer, 36 inch lateral
4 filing cabinets. The materials collected are for the most
5 part, not under seal in any court, and have been received by
6 me from approximately in excess of 1,000 different sources,
7 including clients and non-clients, anonymous third parties,
8 and from sources in which the individuals who provided me
9 with such documents and materials requested that I maintain
10 the confidentiality of their identity. I would estimate
11 that I have collected more documents, publications, tape-
12 recordings and materials relating to L. Ron Hubbard and the --
13 Church of Scientology than any other individual, governmental
14 agency, or other organization in the world, except perhaps
15 for the Church of Scientology itself. In many instances, it
16 is impossible for me to identify what documents or materials
17 came from what sources. In some instances, where documents
18 or materials have been filed with correspondence from a
19 particular individual or organization, and the materials
20 have been itemized, then it is possible for me to relate
21 particular documents to particular sources, but in general,
22 this is not possible. In connection with the foregoing
23 collection of documents, I am probably more knowledgeable
24 about L. Ron Hubbard, and the Church of Scientology than
25 perhaps any other individual except perhaps L. Ron Hubbard
26 and Mary Sue Hubbard, themselves. I have spent nearly
27 four (4) years of my life and in excess of \$300,000 collecting
28 such information and in connection with the representation

1 of numerous clients in litigation relating to Hubbard and
2 Scientology.

3
4 Scientology and Gerald Armstrong

5
6 21) In the spring of 1982, I was contacted by
7 Gerald Armstrong and I learned at that time, that Mr. Armstrong
8 had collected materials which Hubbard and the Church had
9 sought to destroy, when they were in the process of destroying
10 approximately 600,000 other documents. Mr. Armstrong collected
11 this large quantity of documents which were intended for
12 destruction as the personal researcher appointed by L. Ron
13 Hubbard. Between the spring of 1982, and the date of the
14 commencement of the Armstrong case and the institution of a
15 temporary restraining order in August, 1982 by this Court,
16 later modified and made into a preliminary injunction, I
17 spoke to numerous individuals who are knowledgeable about
18 the contents of many of the Armstrong documents, and I
19 compared many of the documents which I had received from Mr.
20 Armstrong with literally hundreds of documents which were
21 then in my possession from alternative sources. Many of the
22 documents were identical to those I already possessed. Some
23 documents I had never seen before. However, the great bulk
24 of what I would deem to be the relevant or important documents,
25 I had already learned about either in conversation with Mr.
26 Armstrong, from third party sources or had seen the documents
27 directly. As I have explained to many people on numerous
28 occasions, including Mr. Armstrong, the uniqueness of Mr.

1 Armstrong's situation is that Mr. Armstrong himself discovered
2 through Hubbard's own documents that he had collected as
3 Hubbard's personal researcher, that Mr. Hubbard and the
4 origins of the Church of Scientology were almost entirely
5 fraudulent from its inception to the present. In other
6 words, Mr. Armstrong himself was "deprogrammed" by Hubbard's
7 own documents, many of which I had had possession of for
8 years. Indeed, the numerous cases which have been filed
9 across the country against Hubbard and the Church of Scien-
10 tology contain copies of many of such documents, and a 200-page
11 report that I prepared for the City of Clearwater in Septem-
12 ber, 1981 (three months before Gerry Armstrong left the
13 Church) has most of the information in it which was discussed
14 in my speech which is the subject of this contempt charge!

15
16 22) It is impossible for me to delineate, for the
17 most part, between documents which I had received from
18 Gerald Armstrong and documents which I had received from
19 third parties. I explained this at length in my deposition
20 testimony taken in this case on August 26, 1982, which
21 testimony was taken prior to the implementation of the
22 preliminary injunction. At that time, I testified as follows
23 on P. 12 of the deposition transcript:

24 "And for the record, literally thousands of docu-
25 ments have been shown to me by hundreds of indi-
26 viduals who have left the Church of Scientology.
27 I have received in the mail thousands of documents,
28 many of them anonymously sent. So for the record,

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1 I couldn't possibly testify under oath whether on
2 such and such a date one of these hundreds of in-
3 dividuals showed me any particular piece of paper."
4

5 At other points in the deposition, I made it clear
6 on the record on several occasions that I could not in
7 general, discriminate between what documents Armstrong had
8 sent to me and what documents I had received from other
9 sources, nor could I testify as to whether the documents
10 that I had received from Armstrong had been duplicated in
11 other instances. In general, I testified that most of the
12 documents relating to Mr. Hubbard's biographical data were
13 already supported in the public record by either similar
14 documents or other documents of a similar type. For example,
15 I testified on P. 49 of my deposition in August of 1982 as
16 follows:

17 "I have no idea what documents pertaining to his
18 Naval records I did get, but the general recollection
19 that I do have is that the bulk of the documents
20 that were sent to me, we already either had or
21 knew about or confirmed in other sources of in-
22 formation."
23

24 The Interpretation of the Sealing Order, The First Amendment
25 and The Dismissal of A Previous Contempt
26

27 23) It is clear from my deposition taken approxi-
28 mately a year ago at the inception of this litigation, that

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1 the Church of Scientology and its attorneys knew that I
2 already had possession of documents either identical to the
3 Armstrong documents or of a similar type relating to infor-
4 mation about L. Ron Hubbard. As previously stated, the
5 significance of the documents in the Armstrong case is that
6 they are Hubbard's own documents and can be authenticated as
7 such. During the period of time that the temporary restraining
8 order was entered in the Armstrong case, in August, 1982, I
9 had numerous conversations with Julia Dragojevic and Bruce
10 Bunch, counsel in California representing Mr. Armstrong
11 relative to the First Amendment considerations relating to
12 the temporary restraining order. Subsequently, in September,
13 1982, when the preliminary injunction was entered, which I
14 read and received, it was my interpretation from the preliminary
15 injunction that it was not intended to be a so-called "gag
16 order." It was my understanding that Judge Cole specifically
17 addressed the issue of whether Mr. Armstrong and his agents
18 and representatives could discuss in general the contents of
19 the documents or draw on their general information about
20 documents relating to Hubbard and the Church of Scientology
21 and that, they were able to speak freely about these matters.
22 When I read and received the preliminary injunction, I
23 noticed the specific reference in the preliminary injunction
24 as follows:

25 "However, defendant, Gerald Armstrong is not re-
26 strained from testifying as to the contents of
27 said materials from his own knowledge."

28 ////

001152

1 As an attorney, based upon my knowledge of First Amendment
2 issues relating to prior restraint, together with my reading
3 of the preliminary injunction, I interpreted the order of
4 Judge Cole to mean that individuals such as myself who have
5 knowledge of the actual contents of the documents in the
6 Armstrong case together with information obtained from third
7 parties, as well as information obtained from other sources
8 which relates to the contents of the Armstrong documents,
9 could not be prohibited from discussing such materials.
10 Since September, 1982, I have adhered to this construction
11 of the preliminary injunction and I have spoken, prepared
12 affidavits, filed pleadings, and generally proceeded on the
13 basis that the preliminary injunction only prohibited the
14 actual dissemination of documents under seal in the Armstrong
15 case which, of course, are not otherwise available from
16 third sources. Further, as set forth below in paragraph 24,
17 I also believed that as Mr. Armstrong's attorney, I could
18 go into the Court, make copies of documents and without
19 distributing the documents, quote from the documents directly
20 and then disseminate such quotations taken from the court-
21 sealed documents to third parties. Although I have never
22 done this, I interpreted the dismissal of the Contempt
23 charge against Ms. Julia Dragojevic to embrace the foregoing
24 facts and interpretation.

25
26 24) Between January and March, 1983, I learned
27 from Ms. Julia Dragojevic that a contempt charge had been
28 brought against her by the Church of Scientology in connection

1 with her having quoted from certain documents then under
2 seal in the court. It is my understanding that Ms. Dragojevic
3 had interpreted the sealing order to mean that she was not
4 prohibited from using the sealed documents for the purposes
5 that she did. When I learned from Ms. Dragojevic that this
6 Court dismissed the contempt charges against her, I specifically
7 relied on this dismissal as an affirmation that the sealing
8 order only prevented the dissemination of the documents
9 themselves or a disclosure from the actual documents filed
10 in Court coupled with actual dissemination of them. Al-
11 though I have never either directly quoted from documents
12 under seal not otherwise available from third-party sources,
13 nor have I copied any quotes from any documents while they
14 have been under seal, I do not believe that the sealing
15 order, given the availability of many of the documents from
16 other sources, could ever be construed within First Amendment
17 guidelines to prohibit dissemination of information contained
18 in the documents which is also otherwise available in the
19 hands of people such as Mr. Armstrong. Any other interpre-
20 tation would violate the most basic and fundamental civil
21 rights in our Constitution.

22
23 The "Version" of Attorney Flynn's Speech Submitted by the Church

24
25 25) I have read the declaration of John G. Peterson
26 and the accompanying portions of the transcript of the
27 speech that I gave in Los Angeles, which is the subject of
28 this contempt charge. I do not know whether Mr. Peterson

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1 intentionally or inadvertently specifically distorted certain
2 facts and/or inadvertently or intentionally overtly misrep-
3 sented certain facts. However, his declaration is replete
4 with false and distorted statements, and his "version" of
5 the transcript of the speech omits significant words and
6 phrases. For example, Mr. Peterson quoted at length from a
7 Florida state court finding of August 11, 1982 holding me in
8 criminal contempt. He then stated that the judgment of
9 contempt was vacated because "the court is without threshold
10 jurisdiction over the person of Michael J. Flynn." Mr.
11 Peterson thereafter stated that "however, the fact that the
12 lower Florida court found that Michael J. Flynn had lied in
13 the verified pleading to the court was not overturned." (Em-
14 phasis supplied) Mr. Peterson's foregoing statement is
15 blatantly false. I have enclosed hereto as Exhibit I, the
16 Order of the Court vacating the criminal contempt. That
17 Order specifically vacated the "finding" referred to by Mr.
18 Peterson stating in pertinent part as follows:

19 "3. That the findings of this Court dated August
20 11, 1982 as hereinafter set forth are hereby
21 vacated and adjudged to be null and void.
22

23 'That Michael J. Flynn, he is hereby held in
24 indirect criminal contempt for his conduct of
25 rejecting a subpoena duly served upon him on
26 the 19th day of April, A.D., 1982, and his
27 filing of a Motion of Quash, which the court
28 finds not to be truthful,....'" (Emphasis

1 supplied)

2 It is clear that the "finding" that I had allegedly "lied"
3 as Mr. Peterson states was specifically overturned. In
4 fact, it would be helpful for this Court to know that the
5 Contempt finding was in part reversed based upon the record
6 which was filed in the Appellate Court in Florida because we
7 proved that the Order to Show Cause in that Contempt action
8 was secured by a false statement of an attorney for the
9 Church of Scientology of California. Said false statement
10 is set forth in a portion of the deposition transcript of
11 that proceeding to issue the Show Cause Order attached
12 hereto as Exhibit J wherein a Scientology attorney stated
13 that a "Verified Motion had a statement in it that I could
14 not appear for a deposition because of hearings set before
15 the City of Clearwater." However, as set forth in the
16 "Verified Motion" referred to in the transcript, there is no
17 such statement of an inability to appear because of hearings
18 set forth before the City of Clearwater. I have attached a
19 copy of the Verified Motion as part of Exhibit J. It is
20 clear from the foregoing that it was the Scientology attorney
21 who had lied in obtaining the Order to Show Cause and not
22 Attorney Michael Flynn. That is one of the reasons the
23 matter was reversed. It is respectfully submitted that a
24 similar situation is occurring here.

25
26 26) Mr. Peterson further distorts the findings of
27 Judge Hennigan in the case of In re the Estate of L. Ron
28 Hubbard, Case No. 47150 in the Riverside Superior Court.

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1 Mr. Peterson states that Judge Hennigan found me in contempt
2 for "deliberately disobeying a Court order." However, this
3 Court should be aware that when the Order to Show Cause for
4 Contempt in that Riverside action was brought, I did not
5 appear at the hearing on said matter because I deemed the
6 charge to be so frivolous. I subsequently appeared before
7 Judge Hennigan on a Motion for Reconsideration which was
8 denied, but Judge Hennigan specifically stated that he did not
9 believe that there was any deliberate "bad faith" on my
10 part, that the alleged violation of the sealing order was a
11 "hair-splitting technical one" that he had full trust in my
12 integrity and competence as an attorney, but that he felt
13 compelled to issue the contempt finding because of a very
14 narrow construction of the particular facts that were before
15 him in that proceeding. It is submitted that Mr. Peterson
16 has lumped the Florida proceeding and the Riverside proceeding
17 together for the purpose of intentionally distorting the
18 factual basis of both such cases.

19
20 27) Mr. Peterson states at length in his declaration
21 that I "willfully" disseminated information, portions of
22 which he quotes relating to the documents under seal.
23 However, Mr. Peterson failed to inform the Court that in
24 several other sections of the speech, I informed the audience
25 that the documents were under seal, that I could not give
26 the documents to them, and that I had literally tens of
27 thousands of documents from third sources which were either
28 identical to the Armstrong documents or related to the same

1 topics. Mr. Peterson either inadvertently or intentionally
2 intended to give the impression to this Court that the
3 information that I was speaking about, either came only from
4 the Armstrong documents or that I was disseminating the
5 information having taken it from the contents of said docu-
6 ments after it had been placed under seal. Neither of these
7 impressions are true. For example, Mr. Peterson quotes from
8 records relating to Mr. Hubbard's Naval career. However, as
9 set forth in paragraph 22 of this affidavit, I had testified
10 a year before said speech in my deposition taken in this
11 case, that I had all of the information relating to Hubbard's
12 naval career from third sources. That was the information
13 which was referenced as being from both third sources and
14 "also" in the "Armstrong archives." (As discussed infra, it
15 is significant to note that in the transcript reference of
16 Mr. Peterson at P. 5 of his affidavit, he has deleted the
17 word "also".) With regard to what I called in the speech
18 Hubbard's "diary" regarding what Armstrong called "Mr.
19 Hubbard's affirmations," that information I received from Mr.
20 Armstrong in numerous, perhaps in excess of fifty (50)
21 conversations with him about that subject matter. Also, much
22 of that information I had already received from L. Ron
23 Hubbard, Jr., Hubbard's son. Therefore, that information
24 was from a third party source. The information regarding
25 Sarah Northrup, Hubbard's second wife, about Hubbard's
26 attempting to kill her, strangle her, etc., I also had from
27 a third source. The third source is the actual affidavit of
28 Ms. Northrup publicly on file in the case of Sarah Northrup

1 Hubbard v. L. Ron Hubbard, Los Angeles Superior Court,
2 Docket No. D-444498 filed on or about April 23, 1951. The
3 complaint for divorce in that action together with Ms.
4 Northrup's affidavit I had received from approximately three
5 (3) different sources over the past four (4) years in other
6 Scientology litigation. These documents are identical to
7 the Armstrong documents. Mr. Peterson also references
8 certain letters that Hubbard, Mary Sue Hubbard and Jane
9 Kember wrote relating to their daughter, Alexis Valerie
10 Hubbard. The information contained in said documents I have
11 spoken to Mr. Armstrong about on numerous occasions and I
12 also received that information from a third source, namely Alexis.

13
14 28) In general, Mr. Peterson failed to properly
15 transcribe the speech leaving out key words and phrases and
16 failed to inform this Court or quote from other portions of
17 the speech where it is clear that my reference to the Armstrong
18 documents and to Mr. Armstrong himself has significance not
19 simply to the contents of the documents which can be obtained
20 from many sources, but more importantly, to the fact that
21 the Church of Scientology, as is its tradition, hires numerous
22 lawyers to suppress the truth about Hubbard and the Church
23 of Scientology; and that the proof of the attempt to suppress
24 the truth about the Church of Scientology is reflected by
25 the fact that they have sued Mr. Armstrong, sought to place
26 all the materials under seal, and have used lawyers to
27 attempt to suppress the truth about said materials, thereby
28 lying to the public about Hubbard's background and the

1 origins of the Church. Fortunately, the First Amendment
2 will not allow the suppression of free speech. That was the
3 point of the speech. It was in that context that references
4 to the Armstrong documents arose. I have hereinafter quoted
5 from portions of the speech in which the foregoing point was
6 clearly made:

7 "But I do know one thing, he was assigned by L.
8 Ron Hubbard to collect data and documents on L.
9 Ron Hubbard to prepare a biography by Omar, Omar
10 Garrison, and Gerry did it. Just as he had
11 diligently worked in the Sea Org since 1969,
12 or whatever, together with his wife, Jocelyn,
13 his former wife, Terri, Terri Gamboa, he diligently
14 collected the documents - probably too diligently,
15 because he collected documents that were supposed
16 to have been destroyed by one version of the story -
17 the documents were supposed to have been... And
18 most of them were in the handwriting of Mr. Hubbard.
19 Now I'm not here to villify Mr. Hubbard. Mr.
20 Hubbard's credentials or lack of credentials or
21 purposes or goals that I perceive in a lot of these
22 writings in the 1940's when he embarked on this
23 crusade, may be different, mine may be different
24 from your perceptions, and each person would probably
25 have to read these documents to draw their own
26 perceptions. Suffice it to say, that he is definitely
27 not a nuclear physicist, he definitely did not go
28 to Princeton nor did he graduate from George Washing-

1 ton University, nor is he a war hero, nor did he
2 serve four years in combat, nor was he twice pro-
3 nounced medically dead, none of those things are
4 true."

5
6 "....But there is one salient fact that comes from
7 all of that and that is there has been misrepre-
8 sentation. I mean, I've got Dianetics: The Original
9 Thesis that says he graduated from Columbian College
10 which is part of George Washington University. That's
11 an untrue statement. If the Organization is supposed
12 to confront and deliver truth and deliver theta, then
13 why did they put in Dianetics: The Original Thesis
14 that he went there? Maybe it's an editorial slip up
15 you might say. Why did they put in that he served
16 four years in combat and was the most decorated
17 war hero of World War II when he was relieved of
18 duty on three or four different occasions, eventually
19 found a gasoline bomb on the U.S.S. Algol shortly
20 before it sailed into combat and was relieved of
21 duty and right after that ended up in the Oak Knoll
22 Military Hospital as a psychiatric in-patient. Well,
23 Ron is like every other human being, he's like me,
24 he's like you, he's got his good and his bad, maybe
25 he told a few untruths, maybe he told some big ones,
26 maybe he told a lot of truth. The fact remains, that
27 people relied on things that were said. There are
28 some kids who did believe that he was a nuclear

1 physicist; that Dianetics was more exact and
2 axiomatic than chemistry and physics and was
3 based on thirty years of research. People rely
4 on things you say, and there's a degree of re-
5 sponsibility in having your spirit flow and tell
6 the truth because other spirits rely on it. So
7 those things were not true and I take exception
8 to that and that's one of the things I take
9 exception to in my lawsuits."

10
11 "....So Gerry Armstrong has a lot of documents and
12 the Church has an army of lawyers that are trying
13 to prevent these documents from being released.
14 Now the documents, to my mind, are earth-shattering.
15 I mean they are, I've read alot of them, and alot
16 of them are in Mr. Hubbard's handwriting and I'm
17 not going to stand up here and tell you what they
18 say because then you'll think I'm just trying to
19 villify Ron. Believe me when I say that some of
20 them are flabbergasting...things he did, things he
21 said, views he espoused, reasons he took for
22 certain actions, all at the critical time when he
23 was writing Dianetics and when he was founding
24 this Organization. What they did for Gerry was
25 they "deprogrammed" him. They told him the truth.
26 He confronted various facts when he read these
27 documents, so he left, and then the Organization
28 began an unholy campaign against him so he came to

1 me. So now the Organization has got an army of
2 lawyers trying to prevent the documents from being
3 distributed so that people would see the truth, so
4 the truth would be confronted. And myself and
5 Julia Dragojevic, a young female lawyer in Bruce
6 Bunch's office, have been defending him for virtually
7 no money, against an army of lawyers. And what
8 are we trying to do? We're trying to get the
9 documents released. What are they trying to do?
10 They're trying to get the documents suppressed."

11
12 "And the likelihood as I stand here is that all of
13 the legal maneuvering that is being done, even
14 though we've won the first two rounds of Gerry's
15 case and the documents are still in the Court,
16 even though they've done everything, they've filed
17 declarations of Mary Sue Hubbard to try to get
18 them released to the Organization, the Court still
19 has them, thank goodness, but shortly, if a certain
20 avenue that the current leadership has taken works
21 out, which I think it's going to, you will never
22 see those documents and you'll never, ever read
23 Omar Garrison's book."

24
25 29) Even more importantly, Mr. Peterson either in-
26 tentiously or inadvertently deleted several key words and
27 phrases, and ran disconnected paragraphs together, that changed
28 the whole context of the speech. For example, the following

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1 is the Peterson version of what he deems to be an important
2 part of the speech demonstrating (1) the disclosure of the
3 contents of the documents and (2) that I have the Armstrong
4 documents in my possession:

5 " '...We not only have documents from the original
6 agencies...we've got his own documents, the
7 documents that were collected by him for years in
8 his own handwriting.' " (Emphasis supplied)
9

10 The accurate transcription of the speech set forth below
11 includes the word "also" which was deleted in the Peterson
12 version and which modified the entire context of that portion
13 of the speech demonstrating to the audience that my office
14 had "also" collected documents from third party sources (in
15 this case, documents from governmental agencies) as well as
16 being knowledgeable about the Armstrong documents now held
17 in this Court. In fact, the true transcript of the speech
18 shows in this context that I showed one of the documents to
19 the audience. The following is the true version:
20

21 "We not only have the documents from the original
22 agencies we've also got, as Gerry knows, we've got
23 his own, here's his transcript from George Washington
24 University, [demonstrating to the audience] we've
25 got his own documents, the documents that we've
26 collected and held by him for years in his own
27 handwriting, his own Naval record, I'm talking
28 original Naval records, that belonged to him.

1 Those were among the things in the Armstrong
2 archives."

3
4 "The level of documentation that exists to prove L.
5 Ron Hubbard's background, I can only tell you as a
6 trial lawyer who reviews evidence all the time in
7 terms of authenticity, reliability, accuracy,
8 etc., is overwhelming, I mean its simply over-
9 whelming. I've got all of his fitness reports,
10 qualifications as an officer, log books on some of
11 the ships he was on, it's overwhelming, that's all
12 I can tell you, and if you want to come to my
13 office and start looking through it, you're welcome
14 to."

15
16 The foregoing true transcript clearly references "log books,"
17 "fitness reports," etc. and suggests that the audience could
18 come to my office to view them. These documents were placed
19 on file in the City of Clearwater by my office in September,
20 1981, over one year before this litigation began and three
21 months before Mr. Armstrong even left the Church! It is
22 simply outrageous for Mr. Peterson to delete the fact that
23 I informed the audience that the documents were under seal,
24 delete the word "also," delete the reference to Gerald
25 Armstrong sitting in the audience, delete the fact that I
26 demonstrated a non-sealed document to the audience, and then
27 invites it to come to my office to view what, in context
28 can only be construed to be non-sealed documents. Such conduct ought not

1 to be sanctioned.

2
3 30) An examination of the Peterson version of the
4 speech and the speech itself reveals many such examples of
5 significant omissions, running disconnected paragraphs
6 together and alteration of the true context. For example,
7 I informed the audience that Gerald Armstrong was sitting
8 in the audience and that Mr. Armstrong could speak with
9 them about the documents. In the Peterson version of the
10 speech, this entire reference was omitted! This, of course,
11 is precisely what Judge Cole contemplated when he issued
12 the preliminary injunction, and it is precisely what I
13 contemplated when I gave the speech. For example, Mr. Peterson
14 at P. 5 of his affidavit couples together the previously
15 quoted portion where he deleted the word "also" and then
16 places three dots in the same quoted paragraph and proceeds
17 to quote from an entirely separate portion of the speech.
18 The true context of that portion is as follows:

19 "[Audience asks a question]

20 The question is what the Armstrong documents say
21 about Hubbard or reveal about Hubbard's original
22 motivation for starting a Church, his motivation
23 for writing Dianetics, his motivation for creating
24 the tech, etc., things like that. The answer is
25 you're talking about a developmental thing, you're
26 talking about a process in L. Ron Hubbard's mind
27 to go from a certain point in time to another
28 point in successive steps, so you start with where

1 his mind was when he supposedly developed it all,
2 and I would spend the next half hour if I tried to
3 describe in detail what the documents say. But
4 what they reveal is, and alot of you can have con-
5 versations with Gerry, and this would have been in
6 Omar Garrison's book, I would imagine. They
7 reveal a really sick, sick person at the end of
8 World War II, I mean mentally, physically and
9 emotionally sick, so sick that he was a desperate
10 human being and he did desperate things. Now I'm not
11 castigating him for doing desperate things, desperate
12 human beings do desperate things and World War II
13 caused a lot of trauma, he was never in combat, he
14 was in the United States for the whole time except
15 for about 60 days, but he had alot of psychological
16 problems and maybe his poor war career and his
17 poor war record, given the fact that his father
18 was a Naval officer exacerbated those problems to
19 the point where he had the breakdown that he did
20 at the end of World War II. But when he had that
21 breakdown, he went looking and he looked into
22 Satanism, Black Magic, Crowleyism, and he looked
23 into hypnosis, he looked into...His diary, for
24 example, what Gerry calls his affirmations, what I
25 basically call his diary, it's about yeh thick of
26 his writings of the '46, '47 period, where he
27 talks about all his problems, some of the things
28 are of a shocking character, he talks about his

1 hatred of women and how women are the source of
2 evil in the Universe and he talks about his mastur-
3 bation problems and he talks about the fact that
4 he got Gonorrhea from this girl, how he hates
5 women, how he took too much sulphur, some drug for
6 the Gonorrhea and it diseased his brain. What it
7 does is it paints a picture of his mind and how it
8 was at the time and it developed in the late 40's
9 when he was writing, when he began to write Dianetics.
10 It describes his relationships with people it shows
11 how he totally bilked them."
12

13 It is clear from the foregoing that I told the audience that
14 the information about which I was speaking could be learned
15 from Mr. Armstrong directly. This is precisely how the pre-
16 liminary injunction modified the Temporary Restraining Order.
17

18 31) In fact, at P. 4 of his affidavit, Mr. Peterson
19 refers to my deposition taken on August 26, 1982, which was
20 after the Temporary Restraining Order was entered but before
21 the preliminary injunction as modified by Judge Cole.

22 Mr. Peterson uses my deposition testimony to further distort
23 the facts. He suggests that I "received and understood the
24 TRO proscription against revealing the contents was "inappro-
25 priate," but that we could comply with it "pending a hearing
26 on September 24." Of course, Judge Cole, as required to do
27 so by the First Amendment, in fact, modified the TRO when
28

////

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1 he subsequently issued the preliminary injunction after the
2 hearing on September 24, 1982. It should be noted that in
3 the documents sent to me by Mr. Peterson's office on this
4 Contempt matter, presumably filed in this Court, he included
5 the TRO, but omitted the preliminary injunction. I do not
6 know whether this was an oversight or whether he also failed
7 to include such in the Court filing.

8
9 32) In the portions of the speech omitted by Mr.
10 Peterson there are countless references to thirdparty sources
11 of information about the contents of the Armstrong documents.
12 These include Mr. Armstrong himself, Omar Garrison, Ronald
13 DeWolf (Hubbard's son), Alexis Valerie (Hubbard's daughter),
14 my own office files, etc. I will provide a copy of the
15 videotape of the speech to the Court at the hearing on
16 this matter, and it is submitted that it will become obvious
17 to the Court that there was no violation of the sealing order
18 and also that the sealing order could not, with First Amendment
19 guidelines, be construed to prohibit the dissemination of
20 the information in the speech.

21
22 33) Reference is also made by Mr. Peterson to
23 certain interrogatory answers in the Van Schaick case about
24 a certain document called the "blood ritual." From that,
25 Mr. Peterson infers that I have retained originals or copies
26 of the Armstrong documents now under seal in this Court in
27 my office. Once again, Mr. Peterson has misconstrued his facts.
28 I returned all of the documents sent to me by Gerald Armstrong

1 to the Court! I have copies of hundreds of those documents
2 from third party sources. First, Ms. Van Schaick read the
3 "blood ritual" in my office in July, 1982 - more than one
4 month before the TRO was ever entered. Second, I have
5 received copies of that document from several third party
6 sources. Third, the answer to the interrogatory quoted
7 specifically states that the document is not only under seal
8 in the Armstrong case, but also in my possession.

9
10 33) It is clear from the foregoing that based upon
11 my general knowledge of the Church of Scientology and my
12 First Amendment right to speak about such knowledge, based
13 upon my reasonable interpretation of the preliminary injunction
14 as confirmed in the previous dismissal of the contempt
15 charge against Ms. Dragojevic, and as confirmed by the fact
16 that most of the information contained in the Armstrong
17 documents has come to me either from the third sources or
18 from Mr. Armstrong verbally, that there has been no willful
19 violation of the Order of this Court. Indeed, in view of
20 the generally accepted view that sealing orders are looked
21 upon in disfavor, that there can be no prior restraint of
22 First Amendment rights, and that it is apparent that L. Ron
23 Hubbard and the Church of Scientology have made literally
24 hundreds of millions of dollars based upon representations
25 about Mr. Hubbard's background, character and the origins of
26 the Church, the question of whether the documents should
27 even be under seal is an issue that has yet to be finally
28 resolved. In any event it is apparent that the information

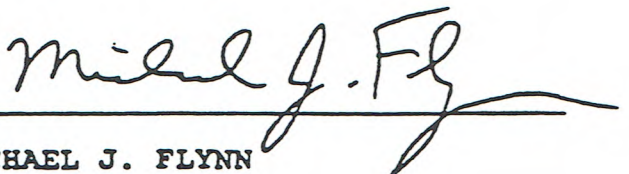
1 in the documents could never be sealed. A large group of
2 former members of the Church of Scientology are currently
3 seeking to obtain access to the materials and documents in
4 the Armstrong case and have hired an attorney for that
5 purpose. I have attached hereto as Exhibit K a petition
6 signed by numerous individuals who are seeking to obtain
7 access to the Armstrong material based upon the fact that
8 they paid hundreds of thousands of dollars to the Church of
9 Scientology relying on Mr. Hubbard's background, character,
10 integrity and intentions. It will become apparent to this
11 Court as this litigation proceeds that such individuals have
12 a right to view the documents and materials on file in this
13 case and that a finding of contempt against the undersigned
14 would constitute a grave injustice, would require a broad
15 construction of the Preliminary Injunction, which based upon
16 First Amendment principles must be very narrowly construed,
17 and lastly, it would compound the fraud that has been perpetrated
18 by Hubbard and the Church of Scientology. The Court sitting
19 in Equity ought not lend itself to further such a heinous
20 purpose.

21
22
23 CONCLUSION

24
25 34) I hope that the foregoing makes plain the im-
26 portant issues implicated in this latest proceeding by the
27 Church of Scientology, specifically as it relates to the
28 Church of Scientology's attempt, per policy, to suppress my

1 First Amendment rights, and its attempt to perpetuate fraudu-
2 lent representations that it has made for the past thirty
3 (30) years. Since 1980, Scientology has been multiplying
4 litigations against me and my clients for the avowed purpose
5 of preventing me from representing my clients and chilling
6 their rights and also for the purposes of concealing the
7 truth about this organization. This latest proceeding is
8 part of that goal. Regardless of which side ultimately
9 prevails in the Armstrong case, to the extent that Scientology
10 can harass me with proceedings such as this, it will undermine
11 the representation of my clients thereby substantially
12 obstructing their legal rights. It will create a chilling
13 effect upon the willingness of attorneys such as myself who
14 are willing to undertake such difficult litigation against
15 an organization that has the type of policies that are set
16 forth in this declaration, all of which are antithetical to
17 our jurisprudence and related First Amendment values.

18
19 Signed and sworn to this 21st day of September,
20 1983.

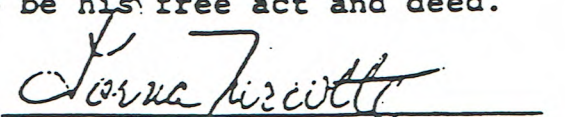
21
22 
23 MICHAEL J. FLYNN

24 COMMONWEALTH OF MASSACHUSETTS

25 SUFFOLK, SS.

September 21, 1983

26 Then personally appeared before me the above MICHAEL J. FLYNN
27 and acknowledged the foregoing to be his free act and deed.

28 

My Commission Expires 3/31/89

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1 DECLARATION OF MICHAEL J. FLYNN

2 I, MICHAEL J. FLYNN, being duly sworn, depose
3 and say:

4
5 1) I am a member of the Massachusetts bar and am
6 engaged in the private practice of law in Boston, Massachusetts.
7

8 2) This declaration is made in support of the
9 defendant's Motion to Enlarge Time for Filing Responsive
10 Pleadings in connection with the two most recent lawsuits
11 initiated by the Church of Scientology and Mary Sue Hubbard
12 against Michael J. Flynn, his clients, and his colleagues.
13

14 3) I make this declaration to assist the Court
15 in understanding the general context as well as the specific
16 circumstances of the purpose and intent of L. Ron Hubbard, his wife
17 and his front corporations - the Churches of Scientology -
18 in bringing these latest, the fifteenth and sixteenth
19 lawsuits against me. Because I request a period of ninety
20 days in which to respond to these latest lawsuits, I re-
21 spectfully submit that it would be of considerable assistance
22 to the Court to understand the circumstances surrounding these
23 latest lawsuits in connection with its rulings on my Motion
24 to Enlarge Time for Filing Responsive Pleadings.
25

26 4) I have been involved in litigation against the
27 Church of Scientology and L. Ron Hubbard for approximately
28 five (5) years. Within weeks after initiating a lawsuit

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1 against the Church of Scientology and L. Ron Hubbard in Decem-
2 ber 1979, myself, my colleagues and my clients were sued
3 by the Church of Scientology in Las Vegas, Nevada and in
4 Boston, Massachusetts pursuant to the policy of the Church
5 of Scientology to "attack" its judicial opponents. Therefore,
6 since the inception of the litigation, I have also been in-
7 volved as a party in litigation involving Hubbard and his
8 organizations. I currently represent approximately 18
9 plaintiffs and 17 defendants in litigation involving Hubbard
10 and the Church of Scientology. These include journalists,
11 former members of Scientology and parents of members. I
12 have also served as special counsel to the City of Clearwater,
13 Florida in connection with a formal inquiry into the activities
14 of the Church of Scientology in that City. The information
15 set forth in this affidavit is based upon my personal knowledge
16 and/or on information and belief where such information was
17 obtained in connection with the aforementioned litigation.

18
19 5) I respectfully submit that a review of the back-
20 ground of this litigation by this Court will assist the Court
21 in understanding the underlying basis for the institution of
22 the present suits, which is essentially an effort by Hubbard
23 and his organizations to prevent lawyers from representing
24 parties who have claims against Hubbard and also to prevent
25 former members from speaking out about these claims. Hubbard's
26 use of the judicial system as demonstrated in this declaration,
27 reflects a pattern of conduct designed to suppress judicial
28 scrutiny of Hubbard's activities and to use the law and the

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1 courts for overtly harassive purposes, as reflected in the
2 following policy of L. Ron Hubbard:

3 "The purpose of the suit is to harass and dis-
4 courage rather than to win. The law can be
5 used very easily to harass and enough harassment
6 on somebody who is simply on the thin edge any-
7 way, well knowing that he is not authorized,
8 will generally be sufficient to cause his pro-
9 fessional decease. If possible, of course, ruin
10 him utterly." See Exhibit A attached hereto.

11
12 6) The foregoing written policy of L. Ron Hubbard
13 must be understood in the context of several other written
14 policies of Hubbard which constitute the foundation of Hubbard's
15 policies on dealing with his perceived "enemies." According
16 to Hubbard, the following is the appropriate procedure:

17 - "Don't ever defend. Always attack. Find or
18 manufacture enough threat against them to
19 cause them to sue for peace. Originate a
20 black PR campaign to destroy the person's
21 repute and to discredit them so thoroughly
22 they will be ostracized. Be very alert to
23 sue for slander at the slightest chance so
24 as to discourage the public presses from
25 mentioning Scientology."

26 ////

27 ////

28 ////

1 7) Although the foregoing tactics have been used
2 for over thirty years by Hubbard and have been repeatedly
3 condemned by the courts, see, e.g., Church of Scientology v.
4 McLean, 615 F.2d 691 (5th Cir. 1980), they continue. This
5 most recent assault on myself, my colleagues and my clients is
6 an effort by the Church to rebut 3 recent decisions rendered by the Tax
7 Court of the United States, the Superior Court of Los Angeles, and the
8 High Court in England regarding Scientology's fraudulent, and
9 pernicious practices. A short discussion of these three cases
10 is set forth below in Paragraphs 8, 10 and 11. The foregoing policies
11 have been implemented against numerous lawyers, governmental
12 agencies, prosecutors, and even against judges. See, for
13 example, the article "Scientology's War Against Judges,"
14 American Lawyer, September 1980, a copy of which is annexed
15 hereto as Exhibit B.

16
17 8) Whether or not Scientology is a religion, which
18 has been questioned judicially, see Van Schaick v. Church of
19 Scientology of California, 535 F.Supp. 1125, 1142-45 (D.Mass.
20 1982), it is certainly as the Tax Court of the United States
21 has recently held in September 1984, an organization that:

22 "has made a business out of selling religion; it has di-
23 verted millions of dollars through a bogus trust fund and
24 a sham corporation to key Scientology officials; and it has con-
25 spired for almost a decade to defraud the United States Government
26 by impeding the IRS from determining and collecting taxes from it
27 and affiliated Churches."

28 The Tax Court went on to hold that the Churches were sham corporations il-

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1 legally transferring monies to L. Ron Hubbard, that the Organization was
2 engaged in widespread criminal activity and enforced policies in violation
3 of well-known and accepted public policy, all of which resulted
4 in the Tax Court stripping the Church of Scientology of Cali-
5 fornia of its tax exempt status. Certain portions of the
6 222-page Tax Court opinion are attached hereto as Exhibit C.
7

8 9) Regardless of Scientology's claimed religious
9 status and effort to defraud the United States Government,
10 it is certainly, as one Federal Court has written, a
11 "litigious organization," Church of Scientology of California
12 v. Siegelman, 475 F.Supp. 950, 951 (S.D.N.Y. 1979) (Goettel, J.).
13 Judge Goettel reported at P. 951, n. 1, that a Lexis scan
14 "of reported decisions in the United States Courts in which
15 the Church of Scientology was a party revealed the existence
16 of thirty such cases." A similar scan performed on July 15,
17 1983 revealed 18 such cases in the state courts and 79 in
18 the federal courts. The computer print-outs are annexed
19 hereto as Exhibit D. In addition, many suits have been brought
20 in the names of individual Scientology members, financed by
21 the Church of Scientology, see, e.g., Exhibit E, described in
22 Par. 15 below, and innumerable other cases have been filed
23 around the world. See, e.g., Exhibit J described in Par. 14(q)
24 below.
25

26 10) The "litigious nature" of the Organization is
27 not a coincidence; it is a direct product of Hubbard's "Fair
28 Game" doctrine which permits "enemies" to be "injured by any

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1 means; tricked sued, or lied to or destroyed." See Allard
2 v. Church of Scientology of California, 58 Cal.App. 3rd 443,
3 129 Cal.Rptr. 797 (2nd Dist. 1976), cert. den. 429 U.S. 1091
4 (1977). In the Allard case, the Court awarded \$100,000 to a
5 former Scientology member who was prosecuted on trumped-up
6 theft charges brought by the Organization to cover up its
7 ongoing activities including fraud, extortion and blackmail.

8
9 10) The foregoing activities and the Fair Game policy
10 have also been recently recognized by Judge Paul Breckenridge
11 of the Superior Court of Los Angeles. In the case of Church
12 of Scientology of California and Mary Sue Hubbard v. Gerald Arm-
13 strong, Civ. No. C 420 153, Hubbard's organization brought a complaint for
14 conversion, breach of fiduciary duty and invasion of privacy
15 against a former member for giving some of Hubbard's documents
16 ~~to his~~ to his attorney. The Court, in July 1984, held that the
17 Church of Scientology and Mary Sue Hubbard did not come into
18 Court with "clean hands," that it was to take "nothing," that
19 the documents were to be made available for public inspection,
20 and to duly ~~constituted~~ governmental law enforcement agencies,
21 that the Organization exercised a "kind of blackmail against
22 persons who did not wish to continue" with the Organization
23 and that it used confidential files in an effort to intimidate
24 and abuse its members. In recognizing the continued implementa-
25 tion of the Fair Game Doctrine against its enemies, the Court
26 stated as follows:

27 "In addition to violating and abusing its own members'
28 civil rights, the Organization over the years with its

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1 'Fair Game' Doctrine, has harassed and abused
2 those persons not in the Church who it perceived
3 as enemies. The Organization is clearly schizophrenic
4 and paranoid, and this bizarre combination seems
5 to be a reflection of its founder, LRH. The
6 evidence portrays a man who has been virtually
7 a pathological liar when it comes to his history,
8 background, and achievements. The writings and
9 documents in evidence additionally reflect his
10 egoism, greed, avarice, lust for power and vindic-
11 tiveness and aggressiveness against persons per-
12 ceived by him to disloyal or hostile." A copy of
13 the Armstrong decision is attached hereto as Ex. F.

14 11) The foregoing case is typical of the types
15 of charges and abuse that the Organization and Hubbard attempt
16 to inflict upon its "enemies." I spent 2 months in Los Angeles
17 defending Mr. Armstrong of the foregoing charges, and I
18 respectfully submit ~~that~~ the two lawsuits recently brought
19 against me constitute the response of Hubbard and his Organi-
20 zation to Judge Breckenridge's decision. Shortly before Judge
21 Breckenridge issued his opinion, an English Court, Latey, J.
22 rendered a decision similar to the opinions of other Courts
23 involving this Organization. In that action, relating to the
24 custody of two children, the Court ruled that Hubbard and
25 his Organization were "corrupt, immoral and sinister." The
26 Court stated as follows:

27 ////

28 ////

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1 "It is corrupt because it is based on lies and
2 deceit and has as its real objective money and
3 power for its founder, his wife and those close to
4 him at the top. It is sinister because it indulges
5 infamous practices both to its adherents who do
6 not tow the line unquestioningly and to those outside
7 who oppose it. It is dangerous because it is out
8 to capture people, especially children and impres-
9 sionable young people, and indoctrinate and brain-
10 wash them so that they become the unquestioning
11 captives and tools of the cult."

12 The Court went on to declare L. Ron Hubbard was a "charleton
13 and worse" and that his methods were "grimly reminiscent of
14 the ranting and bullying of Hitler and his henchmen." A copy
15 of said decision is attached hereto as Exhibit G.

16
17 12) Several of the witnesses who testified in the
18 English and Armstrong cases were represented by my office, Gerald Armstrong
19 was represented by me personally, and several of the witnesses
20 in the Tax Court case were represented by my office. One of
21 these witnesses, Laurel Sullivan, who gave sworn testimony
22 under oath in the Armstrong case, has been named as a defendant
23 in one of the recent actions brought against me, solely for
24 the purpose of harassing her, intimidating her from giving
25 testimony, and seeking to obtain discovery in connection with
26 pending criminal investigations against Hubbard and his
27 Organization. These investigations include governmental
28 agencies in the United States such as the Internal Revenue

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1 Service, the Federal Bureau of Investigation, the Attorney
2 General of Florida, the Panellas County State's Attorney's
3 Office in Clearwater, Florida, and the United States Attorney's
4 Office in Tampa, Florida. The government of Canada is also
5 involved in a major nationwide criminal investigation of
6 Hubbard and his Organization. Laurel Sullivan and Gerald
7 Armstrong have both given sworn testimony to that government.
8 It is apparent, therefore, that given the written policies
9 of Hubbard to use the law to "harass and discourage" and to
10 "find or manufacture" attacks against his enemies, that the
11 two most recent lawsuits have been brought purely for strategic
12 and malicious purposes. Indeed, on successive days in Los
13 Angeles, Boston, Toronto, and other cities in the United
14 States, the Church of Scientology has conducted press con-
15 ferences for the purposes of disseminating 'black PR' against
16 myself and my clients. This "black PR policy" has been
17 recognized by the Boston Federal District Court Judge W.
18 Arthur Garrity, in connection with "an operation" against
19 me called "Juggernaut." Judge Garrity stated:

20 - "Similarly, the plaintiff alleges that 'Operation
21 Juggernaut' 'included, among other things, intensive
22 covert surveillance of plaintiff's attorneys by
23 various means, and the filing of lawsuits against
24 plaintiff and plaintiff's attorneys in remote foreign
25 jurisdictions.' Plaintiff alleges that the 'Jugger-
26 naut' documents are relevant because they relate to
27 the general climate of terror which the defendants
28 intentionally created in an attempt to force the

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1 plaintiff into submission."
2

3 In connection with the production of "Juggernaut" documents,
4 the Court went on to state that:

5 "We have read each one of the nine exhibits carefully,
6 and in our view, they are all relevant and discoverable
7 unless they are privileged."

8 The Court quoted from Hubbard's "dictionary" under the heading
9 "black propaganda" in support of his ruling. Black propaganda
10 policy states as follows:

11 "A covert attack on the reputation of a person,
12 company or nation using slander and lies in order
13 to weaken or destroy."

14
15 13) In the past four months since the Armstrong
16 decision, the Church of Scientology has engaged in a massive
17 "black PR" campaign, of which these two latest ~~lawsuits are~~
18 a part, to destroy my reputation. The recent efforts of
19 Hubbard and his Organization include procurement through the
20 payment of \$25,000 to an individual currently under indictment
21 for perjury and ~~fraud~~, of an affidavit claiming that I assisted
22 in the forgery of a two million dollar check belonging to ~~L.~~
23 Ron Hubbard. The affidavit was procured by one Eugene Ingram
24 who has been removed from the Los Angeles Police Department
25 for aiding narcotics dealers, pimping, and running a house
26 of prostitution. Mr. Ingram procured the affidavit from a
27 citizen of the United Arab Emirates after publicizing a
28 \$100,000 reward in full page advertisements in the Boston

1 Globe, the New York Times, and other newspapers. Mr. Ingram
2 also procured affidavits from one George Edgerly, claiming
3 that I had attempted to bribe him, and threaten to break his
4 wife's legs. Mr. Edgerly is a well-known convicted felon in
5 Massachusetts who has been convicted of larceny, first
6 degree murder, rape and a variety of other offenses. I
7 do now know how much money Mr. Ingram paid to Mr. Edgerly
8 for the foregoing affidavit. Copies of some of the articles
9 that Hubbard, his organization and Ingram have disseminated
10 throughout the United States in connection with the foregoing
11 are attached hereto collectively as Exhibit H. After re-
12 viewing said materials, Judge Paul Breckenridge of the Los
13 Angeles Superior Court referred to them as "garbage."

14
15 14) The implementation of Hubbard's Fair Game
16 Doctrine against lawyers, judges and indeed, the judicial
17 system itself, is reflected by a consistent pattern of abusive
18 tactics, which include the following:

19 a) In the case of United States v. Heldt,
20 668 F.2d 1238 (D.C. Cir. 1981), a criminal
21 prosecution against 11 of Hubbard's top
22 aides including his wife, Mary Sue Hubbard,
23 for obstruction of justice, perjury, con-
24 spiracy, kidnapping, and related charges,
25 the Organization and the aforesaid defendant
26 unleashed an "attack" against the entire
27 United States Attorney's Office and Federal
28 District Court in the District of Columbia,

1 which included motions to disqualify the
2 entire United States Attorney's Office,
3 motions to disqualify several federal
4 judges in that district, who were sitting
5 on the case at one time or another, bar
6 complaints against Raymond Banoun and
7 Judith Heatherton of the United States
8 Attorney's Office, covert surveillance of
9 the judges, and a public attack on the
10 character of Judge Richey of that Court
11 for his purported association with a
12 prostitute. See, e.g., article in the
13 "American Lawyer," attached hereto as
14 Exhibit B.
15

- 16 _____
17 b) Hubbard and his Organization in 1975-1976,
18 pursuant to "Project Owl" placed agents to
19 infiltrate the Attorney General's Office,
20 the Suffolk County District Attorney's Office,
21 and brought criminal and civil complaints
22 against the Assistant District Attorney for
23 Suffolk County in connection with an effort
24 by that office to collect a refund of monies
25 paid by individuals to the Organization.
26 See Exhibit I attached hereto.
27 c) In the Gerald Armstrong case, the Organi-
28 zation brought several contempt actions
against Julia Dragojevic, the young attorney

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1 from Woodland Hills, California who assisted
2 me in the defense of Mr. Armstrong. These
3 contempt actions were dismissed.
4

- 5 d) In the case of U.S. v. Article or Device,
6 333 F.Supp. 357 (D.C. 1971), Hubbard and
7 his Organization engaged in a host of
8 pernicious activities against Nathan Dodell,
9 one of the attorneys for the United States
10 Government, including bar complaints,
11 infiltration of his office, and "black PR"
12 campaigns.
13
- 14 e) Recently, in connection with the pending
15 criminal investigation by the Canadian
16 Government, Hubbard and his Organization
17 have brought civil and criminal contempt
18 proceedings against Casey Hill, the Chief
19 Prosecutor for the Attorney General of Canada.
20
- 21 f) In the case of Church of Scientology v.
22 Cazares, 638 F.2d 1272, 1290 (5th Cir. 1981),
23 the Court ordered Scientology to pay legal
24 costs to the former mayor of Clearwater
25 who criticized them for bringing a "frivolous,
26 unreasonable and groundless" action. After
27 said decision, Mayor Cazares brought a legal
28

1 action against Hubbard and the Organization
2 for, inter alia, infiltrating the law firm
3 of his lawyer, Walt Logan, of St. Petersburg,
4 Florida, by having one of its members, also
5 an attorney, seek employment at Mr. Logan's
6 law firm for the purpose of stealing documents
7 and influencing the outcome of the litigation.

8
9 g) The activities of Hubbard and the Organization
10 also include theft of documents from the
11 law firm of Bingham, Dana & Gould of Boston,
12 Massachusetts; the theft of documents from
13 a law firm in Toronto, Canada; and theft of
14 documents from numerous other governmental
15 agencies involved in litigation with the
16 Organization. For a somewhat detailed account
17 of these activities, see "Sentencing Memorandum"
18 submitted by United States Attorney
19 Charles Roth of the District of Columbia
20 in the case of United States v. Kember, et al,
21 Criminal No. 78-401 (2) (3) (D.D.C. 1980),
22 a copy of which is attached hereto as
23 Exhibit J. Indeed, Ms. Kember, the defendant
24 in the aforementioned case recited in a document
25 attached hereto as Exhibit K, with regard to
26 legal actions in the United States, that the
27 policy should be to harass "opponents and
28 their lawyers with correspondence (a lawyer's

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1 letter costs approximately \$50.00), phone
2 calls, (time costs), interrogatories, deposi-
3 tions, and whatever else legal can mock up,"
4 "making it more costly to continue the legal
5 action than to settle in some fashion."
6

7 h) In the case of Burden v. L. Ron Hubbard,
8 Tampa Federal District Court, No. 81-501-
9 CIV-T-K, Hubbard and his organization paid
10 a private investigator \$250,000 to "set up"
11 Federal Judge Ben Krentzman by attempting
12 to lure him on board a yacht with prostitutes,
13 drugs, hidden video-tapes and microphones.
14 See affidavit of William Franks attached here-
15 to as Exhibit L.
16

17 15) The recently filed lawsuits against
18 me, my colleagues and my clients fit perfectly into the pattern
19 I have been describing. After undertaking the representation
20 of one former Scientologist in July 1979, for the purpose of
21 obtaining a refund from the Church of Scientology, it proceeded
22 to do the following against me:
23

24 a) Infiltrate my office with prospective
25 employees;
26

27 b) Steal thousands of documents of an attorney/
28 client character from my office and premises;

1 c) contact my clients for the purpose of
2 separating them from me as clients;

3
4 d) generally engage in a wholesale pattern
5 of "operations" to dissuade me from repre-
6 senting La Venda Van Schaick. See attached
7 affidavit of a former Scientology agent
8 annexed hereto as Exhibit E.
9

10 16) After I brought suit on behalf of La Venda Van
11 Schaick in the Boston Federal District Court, the Church of Scien-
12 tology within a matter of days instituted legal proceedings in
13 the Las Vegas Federal District Court against Van Schaick, Thomas
14 Hoffman (my colleague), and Kevin Flynn (my brother). The suit
15 was dismissed within approximately 30 days after a Motion to
16 Dismiss was filed. The Church then proceeded to institute law-
17 suits in the Las Vegas Circuit Court, Suffolk County Superior
18 Court, Boston, Los Angeles, California and Tampa, Florida. To
19 date, the Church of Scientology has brought legal proceedings
20 against myself and my colleagues on fourteen (14) separate occa-
21 sions. Ten (10) cases have been dismissed to date and Motions
22 to Dismiss are pending in other cases more recently brought.
23 The lawsuits brought to date are as follows:

24 I. Church of Scientology of Boston, Inc. v. Michael
25 Flynn, Civil No. 40906. (Suffolk Superior Court,
26 Mass. 1980)

27 II. Church of Scientology of Nevada, Inc. v. Thomas
28 Hoffman, Kevin Flynn, et al., Civil No. LV-80-HEC

- 1 III. Church of Scientology of Nevada, Inc. v. Kevin
2 Flynn and La Venda Van Schaick, Civil No. 196880
3 Nevada Circuit Court
- 4 IV. Church of Scientology of Nevada, Inc. v. Michael
5 Flynn, Civil No. 202573, Nevada Circuit Court
- 6 V. Steven Miller v. Michael Flynn, et al., Civil No.
7 81-4275 (C.D. Calif. 1981)
- 8 VI. Cazares v. Church of Scientology, Civil No. 81-3472-
9 CA-01, Volusia County Circuit Court
- 10 VII. Garrison v. Church of Scientology, Civil No. 82-2608-T
11 (D. Mass. 1981)
- 12 VIII. Church of Scientology of California, Inc. v.
13 Michael Flynn, Thomas Hoffman and Thomas Greene,
14 Civil No. CV-83-896-CBM (C.D. Calif. 1983)
- 15 IX. Church of Scientology v. Michael Flynn, Thomas
16 Hoffman, Thomas Greene and Kevin Flynn, CV-83-3259-CBM;
17 CV-81-3260-CBM (C.D. Calif. 1983)
- 18 X. Flag Service Org, Inc. v. Michael Flynn and the City
19 of Clearwater, Civil No. 82-440-CIV-T-WC (Tampa,
20 Florida 1982)
- 21 XI. Church of Scientology of California, Inc. v. Michael
22 Flynn, Civil No. 83-5052-R (C.D. Calif. 1983)
- 23 XII. Church of Scientology of California, Inc. v. Michael
24 Flynn, Civil No. 83-2386-S (S. Mass. 1983)
- 25 XIII. Church of Scientology v. Michael Flynn, (contempt
26 proceeding dismissed in the case of Church of Scien-
27 tology v. Gerald Armstrong, California Superior Court
28 No. C 420 153

1 XIV. Michael J. Flynn v. L. Ron Hubbard, Boston Federal
2 District Court, No. 83-2642-M (Counterclaims in
3 intervention)

4 XV. Church of Scientology of California and Church of
5 Scientology, Flag Service Organization, Inc. v
6 Michael J. Flynn, et al., C.A. No. 84-8182,
7 United States District Court (C.D. Calif. 1984)

8 XVI. Mary Sue Hubbard v. Ronald Dewolf, Michael J. Flynn,
9 et al., No. C 474 789, California Superior Court,
10 County of Los Angeles, 1984.

11 17) I hope the foregoing makes plain the important
12 issues implicated in these latest lawsuits brought by the Church
13 of Scientology and Mary Sue Hubbard. Since 1980, Scientology
14 has been multiplying litigation for the avowed purpose of pre-
15 venting me from representing my clients. Regardless of which
16 side ultimately prevails in cases such as Van Schaick v. Church
17 of Scientology of California, supra, to the extent that Hubbard
18 and the Organization can harass me with frivolous suits, it will
19 undermine the representation of my clients, thereby substantially
20 obstructing their legal rights. Such a chilling effect, I respect-
21 fully submit, is antithetical to our jurisprudence and related
22 First Amendment values. These values are extremely important to
23 me and to my clients. Contrary to the absurdly false allegations
24 disseminated by Hubbard and the Church of Scientology in
25 the media and through the vehicle of lawsuits such as those
26 most recently brought, it is not my intent to destroy any
27 religion nor have I ever engaged in any abusive legal pro-
28 ceedings. The "missing person" petition brought in the

1 Riverside Probate Court by me on behalf of Ronald Dewolf,
2 formerly L. Ron Hubbard, Jr., was brought precisely in
3 order to determine whether L. Ron Hubbard was a "missing
4 person" within the meaning of the California Probate Code.
5 This proceeding was brought with complete justification in
6 reliance upon the following:

7
8 a) In April 1982, L. Ron Hubbard's attorney,
9 Alan Goldfarb of Miami, Florida, filed an
10 affidavit in the Federal District Court in
11 Tampa in effect stating that his client was
12 a missing person. A copy of that affidavit
13 is attached hereto as Exhibit M.

14
15 b) Hubbard had been defaulted in a multi-million
16 dollar lawsuit brought by Paulette Cooper, a

~~17 journalist who had been "framed" by Hubbard~~

18 and his Organization in connection with his
19 failure to appear and defend that action. A
20 copy of that default is attached hereto as
21 Exhibit N.

22
23 c) Hubbard's wife, Mary Sue Hubbard, had stated
24 under oath in depositions and in interrogatories
25 that she had not seen her husband since "late
26 1979" and she had stated to others such as
27 Laurel Sullivan, that she did not believe that
28 her communications were reaching her husband;

d) In May - June 1982, an effort was made to forge and cash one of L. Ron Hubbard's checks in a bank in New York City.

e) At the time of the attempted forgery, Hubbard's primary investment advisor, Jan Goergen, and his company, InterCap Ltd. had received large sums of money from L. Ron Hubbard accounts, and one of InterCap's principals, David Delozier, was then under indictment in Arizona for activities related to organized crime.

f) Some of L. Ron Hubbard's most valuable assets, his trademarks, were transferred for no consideration from Hubbard to a Scientology-related organization by an attorney who represented both Hubbard and the organization. A handwriting expert determined that the purported signature of L. Ron Hubbard on the assignment of the trademarks was a forgery. This assignment was in the possession of various Scientology officials who purportedly notarized Hubbard's signature at the time of the assignment.

18) In sum, it was obvious that the bringing of the missing person's petition was appropriate under all of the circumstances and that the Superior Court in Riverside County was prepared to make a ruling that L. Ron Hubbard was in fact,

1 a missing person until the day prior to such ruling, Mary
2 Sue Hubbard's attorneys produced an affidavit purportedly
3 from L. Ron Hubbard.
4

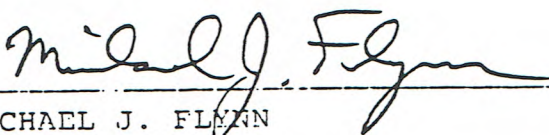
5 19) Similarly, the recent lawsuit brought in the
6 Los Angeles Federal District Court against myself; my colleague,
7 Thomas Hoffman; my brother, Kevin Flynn; and my client, Laurel
8 Sullivan, is equally specious. Most of the allegations in
9 the Complaint have previously been brought in the Los Angeles
10 Federal Court in the case of Church of Scientology v. Flynn,
11 et al., Docket Nos. CV-83-896-CRM; CV-83-3259-CRM, CV-83-3260-
12 CRM; and 83-5052 (C.D. Calif. 1983), in which the same con-
13 spiracy was alleged to destroy Scientology's religious freedom
14 through the corporation Flynn Associates Management Corporation,
15 as is presently alleged. Although the Church of Scientology was
16 given three opportunities to amend the Complaint to state a
17 cause of action, it failed to do so. The case was dismissed
18 by Judge Marshall, and the Ninth Circuit Court of Appeals has
19 recently upheld said dismissal. A copy of that decision is
20 attached hereto as Exhibit P.
21

22 20) Scientology's attorneys, as part of their cam-
23 paign of harassment, have deposed myself and my colleagues on
24 at least 20 days and have also attempted to depose me on at
25 least 25 additional days. Two of the attempted depositions
26 were sought while I was engaged for a period of ten (10) days,
27 in the representation of the City of Clearwater, Florida for
28 legislative hearings relating to the Church of Scientology.

1 The Church of Scientology obtained a finding of contempt against
2 me by Florida Circuit Court Judge Robert Durden, for not
3 appearing for the deposition. The contempt conviction was
4 later vacated, Judge Durden has been removed from the bench
5 and is being investigated for receiving bribes.

6
7 21) In light of all of the foregoing, it is respect-
8 fully submitted that I will need approximately ninety (90)
9 days to hire attorneys for the purpose of defending these
10 actions, meet with said attorneys and review the five (5) years
11 of litigation in which I have been involved against Hubbard
12 and his Organization, and determine the appropriate course of
13 action, including the possibility of bringing Motions to
14 Dismiss, Motions for Summary Judgment or counterclaims against
15 the plaintiffs in said actions and their attorneys for the
16 institution of malicious and abusive legal proceedings. At
17 least one of these attorneys has been involved in at least
18 four (4) actions against me, three of which have been
19 dismissed to date.

20
21 Signed under the pains and penalties of perjury of
22 the laws of the State of California this 7 day of Novem-
23 ber, 1984.

24 
25 MICHAEL J. FLYNN
26

27 ////

28 ////

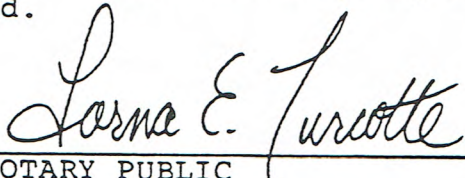
Commonwealth of Massachusetts

Suffolk, SS.

November 7, 1984

Then personally appeared before me the above named,
MICHAEL J. FLYNN, and acknowledged the foregoing instrument
to be his true act and deed.

Before me,


NOTARY PUBLIC

My Commission Expires: 3/31/84

FILED

MAR 16 1992

HOWARD HANSON
MARIN COUNTY CLERK
by P. Fan, Deputy

HUB LAW OFFICES
Ford Greene, Esquire
California State Bar No. 107601
711 Sir Francis Drake Boulevard
San Anselmo, California 94960-1949
Telephone: (415) 258-0360

Attorney for Defendant
GERALD ARMSTRONG

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF MARIN

RECEIVED

MAR 16 1992

CHURCH OF SCIENTOLOGY
INTERNATIONAL, a California
not-for-profit religious
corporation;

Plaintiffs,

vs.

GERALD ARMSTRONG; DOES 1
through 25, inclusive,

Defendants.

No. 152 229

HUB LAW OFFICES

EVIDENCE IN SUPPORT OF
DEFENDANT'S OPPOSITION
TO SCIENTOLOGY'S MOTION FOR
PRELIMINARY INJUNCTION

Date: March 20, 1992

Time: 9:00 a.m.

Dept: Four (4)

Trial/Arbitration: None Set

VOLUME I

001197

COPY

INDEX TO EXHIBITS

Exhibit No.

Description Of Exhibit

VOLUME I

I. Request For Judicial Notice

- A. Declaration of Vicki J. Aznaran 8/9/88 supporting Opposition to Motion to Disqualify Plaintiffs' Counsel in Aznaran v. Church of Scientology, U.S. District Court, Central District of California, Case No. CV-88-1786-JMI(Ex)
- B. Complaint in Church of Scientology of California v. Armstrong, Los Angeles Superior Court, Case No. C420153 ("Armstrong I")
- C. Court of Appeals Decision in Armstrong I filed 7/29/91
- D. Request for Injunctive Relief in Armstrong I
- 1 Declaration of Gerry Armstrong, executed July 22, 1982 in Van Schaick v. Church of Scientology of California, U.S. District Court, District of Massachusetts, Case No. 79-2491-G
- 2 Affidavit of Gerry Armstrong, executed June 25, 1982, in Burden v. Church of Scientology of California, U.S. District Court, Middle District of Florida, Tampa Division, Case No. 80-501-Civ-T-X
- E. Cross-Complaint in Armstrong I.
- F. Third Amended Cross-Complaint in Armstrong I.
1. Suppressive Person Declare attached as Exhibit A to Third Amended Cross-Complaint.
- G. Memorandum of Intended Decision filed June 22, 1982 in Armstrong I.
- H. Notice of Entry of Judgement filed August 10, 1984 in Armstrong II.
- I. Notice of Appeal filed August 23, 1984, in Armstrong I.
- J. Reporter's Transcript of Proceedings, December 11, 1986, in Armstrong I.
- K. Joint Stipulation of Dismissal filed December 11, 1986 in Armstrong I.
- L. Order Dismissing Action With Prejudice in Armstrong I.

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- 1 M. Stipulation for Return of Sealed Materials and Exhibits
2 in Armstrong I.
- 3 N. Order for Return of Exhibits and Sealed Documents in
4 Armstrong I.
- 5 O. Stipulated Sealing Order in Armstrong I.
- 6 P. Court's minute order dated December 11, 1986 in
7 Armstrong I.
- 8 Q. Stipulation executed December 10, 1986 by attorneys
9 Flynn, Peterson and Hertzberg, filed as page 5 of
10 Appellant's Supplemental Appendix In Lieu Of Clerk's
11 Transcript in Count of Appeal, Second Appellate
12 District, Division Three, Appeal No. B 025920.
- 13 R. Indemnity Agreement executed by attorneys Cooley and
14 Heller filed as pages 6-7 of Appellant's Supplemental
15 Appendix In Lieu Of Clerk's Transcript in Count of
16 Appeal, Second Appellate District, Division Three,
17 Appeal No. B 025920.
- 18 S. Court's Minute Order dated December 12, 1986 in
19 Armstrong I.
- 20 T. Transcript of Proceedings, December 23, 1991, in
21 Armstrong I.
- 22 U. Unpublished Opinion of Court of Appeal, Second Appellate
23 District, Division Three in Appeal No. B005912 filed as
24 pages 8-21 of Appellant's Supplemental Appendix In Lieu
25 Of Clerk's Transcript in Count of Appeal, Second
26 Appellate District, Division Three, Appeal No. B 025920.
- 27 V. Order of January 15, 1987, Denying Petition For
28 Rehearing Court of Appeal, Second Appellate District,
Division Three in Appeal No. B005912 filed as page 22 of
Appellant's Supplemental Appendix In Lieu Of Clerk's
Transcript in Count of Appeal, Second Appellate
District, Division Three, Appeal No. B 025920.
- W. Order of California Supreme Court filed March 11, 1987
denying Petition for Review of Court of Appeal, Second
Appellate District, Division Three in Appeal No. B005912
filed as page 23 of Appellant's Supplemental Appendix In
Lieu Of Clerk's Transcript in Count of Appeal, Second
Appellate District, Division Three, Appeal No. B 025920.
- X. Unopposed Motion to Withdraw Memorandum of Intended
Decision in Armstrong I.
- Y. Minute Order dated February 2, 1987, denying Unopposed
Motion to Withdraw Memorandum Decision in Armstrong I.

001199

- 1 Z. Notice of Appeal (second notice) filed February 9, 1987
2 in Armstrong I.
- 3 AA. Order of California Supreme Court, October 17, 1991,
4 denying review of Court of Appeal, Second Appellate
5 District, Division Three in Appeal No. 25920.
- 6 BB. Remittitur, filed on December 5, 1991, in Court of
7 Appeal, Second Appellate District, Division Three in
8 Appeal No. 25920.
- 9 CC. Notice of Motion and Motion of Defendant Author
10 Services, Inc. to Delay or Prevent the Taking of Certain
11 Third Party Depositions by Plaintiff; Memorandum of
12 Points and Authorities; Declarations of Lawrence E.
13 Heller and Howard Schomer in Support Thereof filed
14 November 1, 1989, in Corydon v. Church of Scientology
15 International, Inc., et al., LASC No. C694401.
- 16 DD. Complaint filed August 12, 1991, in Church of
17 Scientology International v. Xanthos, U.S. District
18 Court, Central District of California, Case No. 91-4301-
19 SVW(Tx).
- 20 EE. Supplemental Memorandum In Support Of Defendant's Motion
21 To Dismiss Complaint With Prejudice filed August 26,
22 1991 in Aznaran v. Church of Scientology of California,
23 U.S. District Court, Central District of California,
24 Case No. CV-88-1786-JMI(Ex).

25 VOLUME II

- 26 FF. Motion to Enforce Settlement Agreement filed October 3,
27 1991 in Armstrong I.
- 28 GG. Armstrong Opposition to Motion to Enforce in Armstrong
I.
- HH. Scientology's Reply re enforcement action in Armstrong
I.
- II. Armstrong's supplemental memorandum filed in Armstrong
I.
- JJ. Scientology's supplemental reply filed in Armstrong I.
- KK. United States v. Zolin (6/20/90) 90 Daily Journal D.A.R.
6890.
- LL. Senate Bill No. 711
- MM. Amended Declaration of Vicki J. Aznaran In Opposition To
Plaintiffs' [Sic] Motion For Sanctions

001200

1 II. Declaration Of Gerald Armstrong

2 A. Attack the Attacker Policy Letter

3 B. Level 0 Checksheet

4 C. Fair Game Policy a/k/a Penalties For Lower Conditions

5 D. Settlement Agreement

6 E. Dead Agent Pack

7 F. 18 page Affidavit by Kenneth Long filed October 5, 1987,
8 in Church of Scientology of California v. Miller, High
9 Court of Justice, Chancery Division, No. 1987 C. No.
6140

10 G. 21 page Affidavit by Kenneth Long filed October 5, 1987,
11 in Church of Scientology of California v. Miller, High
12 Court of Justice, Chancery Division, No. 1987 C. No.
6140

13 H. 5 page Affidavit by Kenneth Long filed October 5, 1987,
14 in Church of Scientology of California v. Miller, High
15 Court of Justice, Chancery Division, No. 1987 C. No.
6140

16 I. 4 page Affidavit Of Sheila MacDonald Chaleff filed
17 October 5, 1987, in Church of Scientology of California
v. Miller, High Court of Justice, Chancery Division, No.
1987 C. No. 6140

18 J. 8 page Affidavit by Kenneth Long filed October 5, 1987,
19 in Church of Scientology of California v. Miller, High
20 Court of Justice, Chancery Division, No. 1987 C. No.
6140

21 K. 7 page Affidavit of Kenneth Long filed October 8, 1987
22 in Church of Scientology of California v. Miller, High
Court of Justice, Chancery Division, No. 1987 C. No.
6140

23 L. Flynn disclosure of settlement

24 M. Authorization dated November 7, 1984, from Phillip
25 Rodriguez, Los Angeles Police Officer to Eugene M.
Ingram, Private Investigator.

26 N. April 23, 1985 Public Announcement By Daryl F. Gates,
27 Chief of Police Los Angeles.

28 001201

1 O. Letter dated April 25, 1986, from Los Angeles County
2 Deputy District Attorney Robert N. Jorgensen to the
Church of Scientology.

3 P. Hubbard Communications Office Policy Letter of 15 August
4 1960.

5 III. Declaration of Ford Greene

6 A L.A. Times Series

7 B Time Article

8 C American Lawyer War Against Judges

9 IV. Declaration Of Toby L. Plevin

10 V. Declaration Of Nancy Rodes
11
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001202

GREY AND KOHLWECK
Attorneys at Law
1821 Wilshire Boulevard
Suite 210
Santa Monica, CA 90403

(213) 820-4676

Attorneys for Plaintiff

A -20

FILED: 8/3/82

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

CHURCH OF SCIENTOLOGY OF
CALIFORNIA, INC., a
California corporation,

Plaintiff,

v.

GERALD ARMSTRONG, and
DOES 1 through 10,
inclusive,

Defendants.

No.
APPLICATION FOR AN
ORDER TO SHOW CAUSE
RE PRELIMINARY INJUNCTION
AND TEMPORARY RESTRAINING
ORDER; ATTACHED DECLAR-
ATIONS AND EXHIBITS

COMES NOW THE PLAINTIFF, CHURCH OF SCIENTOLOGY OF
CALIFORNIA, who, through its undersigned counsel of record,
respectfully requests this honorable Court to issue an Order To
Show Cause Re: Preliminary Injunction and for a Temporary
Restraining Order.

Said request is based upon the pleadings currently on
file, the attached declarations of Carl E. Kohlweck and Ann
Lenarcic, and argument to be made at time of hearing.

///

///

001204

ed: August 3, 1982

A -21

Respectfully Submitted,

GREY AND KOHLWECK
Attorneys At Law

By: Carl E. Kohlweck
CARL E. KOHLWECK

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001205

DECLARATION OF CARL E. KOHLWECK

I, CARL E. KOHLWECK, declare:

1. I am an attorney at law duly licensed to practice before this honorable Court and before all courts of the State of California. I am one of the attorneys of record in the within action.

2. This declaration is offered in support of plaintiff's application for a temporary restraining order and for an order to show cause re: issuance of a preliminary injunction. I am competent to testify to the facts set forth herein and would so testify if called as a witness.

3. On or about July 22, 1982, Defendant Gerald David Armstrong executed an affidavit which was subsequently filed in an action entitled LaVenda Van Schaick v. Church of Scientology of California, et al., United States District Court for the District of Massachusetts, Civil Action No. 79-2491-G. A true and correct copy of said affidavit is attached hereto and identified as Exhibit A. In paragraph 3 of said affidavit, Mr. Armstrong describes, in general terms, certain duties that he undertook to perform on behalf of the Church of Scientology of California (hereafter, "CSC"). These duties are referred to in the complaint previously filed herein as "the custodian of the Archives Project." Also contained within said paragraph 3 of Exhibit A is certain language that Mr. Armstrong proffers as a verbatim quote of L. Ron Hubbard, the founder of the religion of Scientology.

4. The quotation referred to in paragraph 3, above, purports to be a letter written by Mr. Hubbard in early 1953.

CSC staff has been unable to locate a copy of such a communication in the Archives Project. While it is possible that the original of this letter is misplaced within the files of the Archives Project, the verbatim quotation of the material demonstrates that Mr. Armstrong has, at least, removed and copied materials from the Archives Project.

5. Exhibit A speaks for itself as far as the type of dissemination of information being made by Mr. Armstrong. The invective directed towards Mr. Hubbard demonstrates the reason that problems have developed in the writing and publishing of the authorized biography of Mr. Hubbard, as alleged in the complaint on file herein. Exhibit A also demonstrates the necessity for injunctive relief. Mr. Armstrong's affidavit states a series of credentials which impress the uninformed with the apparent authenticity of his conclusions. It is these sorts of statements and disclosures that make injunctive relief uniquely necessary in this action; monetary damages cannot fully compensate the harm that will be done.

6. On June 25, 1982, Mr. Armstrong executed another affidavit. Said affidavit was subsequently filed in an action styled Tonja Burden v. Church of Scientology of California, United States District Court, Middle District of Florida, Tampa Division, Case No. 80-501-Civ-T-K (hereafter referred to as Exhibit B). Like Exhibit A, Exhibit B sets forth Mr. Armstrong's personal animosity for L. Ron Hubbard and CSC. At paragraph 8 he states his responsibilities as the custodian of the Archives Project and delineates the various types of documents and materials to which he had access. The amount of

detail contained in this paragraph illustrates that he was not working from memory at the time that he wrote Exhibit B, but was rather working from either source documents, copies of source documents, or altered documents.

7. Until very recently, the same attorney was responsible for prosecuting each of the two actions in which Armstrong affidavits have been filed, Michael J. Flynn of Boston, Massachusetts. During May, 1982, Mr. Flynn conducted public hearings on behalf of the City Commission in Clearwater, Florida. Those hearings are a matter of continuing controversy in that Mr. Flynn personally selected each person who testified and CSC, through its attorneys, was not allowed the opportunity to cross-examine any of those testifying.

8. On Friday, July 30, 1982, the deposition of Kevin Flynn, the brother of Michael Flynn was taken in Los Angeles. During his deposition, Mr. Flynn stated that although he had not met personally with Mr. Armstrong, Mr. Armstrong has been physically present in the Flynn law offices in Boston to assist the attorneys in that office.

9. On April 15, 1982, CSC filed a counterclaim in United States District Court, Central District of California, against Michael J. Flynn and certain members of his staff. A true and correct copy of said counterclaim is attached hereto and identified as Exhibit C. Said counterclaim seeks injunctive relief and the gravamen of the complaint is abuse of process because of the solicitation and distribution of "turn-key" litigation.

10. On April 2, 1980, the Superior Court of Suffolk

County, Massachusetts, granted CSC injunctive relief, commanding Michael J. Flynn and his clients to return certain materials, publications and documents that had been stolen from the Church of Scientology and further prohibiting them from making copies, disseminating information contained therein or destroying any of said materials. A true and correct copy of said order is attached hereto and identified as Exhibit D.

11. On May 18 through May 20, 1982, this declarant took the deposition of Larry Dominic Wollersheim in his pending action against CSC. During his deposition, Mr. Wollersheim stated that any information that is gained by any litigant against CSC or anyone disaffected from Scientology is collected, correlated and catalogued in Las Vegas, Nevada and kept in the custody and control of one Edward Walters, a/k/a Eddie Walters. The purpose of this information collection is so that it may be readily available for anyone who wishes to attack Scientology.

12. On June 3, 1982, this declarant took the deposition of Eddie Walters. During his deposition he expressed his pleasure in the Clearwater hearings, referenced above at paragraph 7. Mr. Walters was the first person to testify at the hearing and his testimony lasted approximately one and one half days. He felt that the media attention was particularly helpful to those attacking Scientology. During his deposition Mr. Walters stated that he believed that it would be a good idea if the City of Las Vegas were to stage a public inquiry similar to the one that took place in Clearwater, Florida.

13. It is the fear of Plaintiff CSC that the information in Mr. Armstrong's possession will be forwarded to the above-

A -26

described persons and will thereafter be systematically disseminated in a fragmented, piecemeal fashion in order to cause the greatest damage to CSC, its membership and to the reputation of its founder.

I certify that attached Exhibit E is a true and correct copy of a letter that I caused to be personally served upon Gerald Armstrong at 8:30 am o'clock, August 3, 1982, notifying him that Plaintiff CSC would bring before this honorable Court its application for a temporary restraining order and order to show cause re: preliminary injunction at 1:30 pm, August 3, 1982, or as soon thereafter as counsel might be heard.

I have personal knowledge of the facts set forth above, except as to those facts stated on information and belief, and as to those I believe them to be true.

Executed this 3rd day of August, 1982 at Santa Monica, California.

I declare under penalty of perjury that the forgoing is true and correct.

Carl E. Kohlweck
CARL E. KOHLWECK

001210

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

LA VENDA VAN SCHAICK,
Plaintiff

vs.

CHURCH OF SCIENTOLOGY OF
CALIFORNIA, et al,
Defendants

CIVIL ACTION
NO. 79-2491-G

AFFIDAVIT OF GERRY ARMSTRONG

I, Gerry Armstrong, hereby swear under the pains and penalties of perjury as follows:

- 1) I have personal knowledge of the following facts:
- 2) I was a member of the Sea Organization of Scientology from February 1971 to December 1981, during which time I held many positions and was in many locations where I directly observed L. Ron Hubbard and other Scientology executives. At no time did I ever get the impression that Mr. Hubbard or any other senior executive considered that Scientology is a religion. My own understanding, held throughout all the time I spent in Scientology, and the policy expressed

001212

the by other Sea Org members was that Scientology operated totally as a business, and its efforts to be recognized as a "religion" were only to evade taxation and government regulations.

3) In January 1980, I was assigned to a project to collect materials about L. Ron Hubbard for the purpose of providing documentation for a biography to be written by Omar V. Garrison. During the following two years I read several thousand pages of documentation, much of it written by Mr. Hubbard himself. Never before had anyone within Scientology ever had all this information assembled in one place or had the opportunity to view and assimilate the whole truth about L. Ron Hubbard. From these documents and other sources I learned that Mr. Hubbard had continually misrepresented himself and had lied about his past, his accomplishments and credentials. I learned also from the documents I collected that Mr. Hubbard had lied about how and why Scientology had been established as a "religion". In a despatch he wrote in early 1980 to the people in charge of the projects he had ordered to remedy his legal problems with the IRS and various damage claim cases, he stated that the creation of Scientology as a "religion" was not his idea but had come about when the membership of Scientology in the early 1950's, unbeknownst to him, had voted to form a "church". I personally saw and read that despatch. Mr. Hubbard's

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statement is a lie. In a letter to the head of Scientology in the US in early 1953, Mr. Hubbard stated:

"We don't want a clinic. We want one in operation but not in name. Perhaps we could call it a Spiritual Guidance Center. Think up its name, will you. And we could put in nice desks and our boys in neat blue with diplomas on the walls and 1. knock psychotherapy into history and 2. make enough money to shine up my operating scope and 3. keep the HAS solvent. It is a problem in practical business.

"I await your reaction on the religion angle. In my opinion, we couldn't get worse public opinion than we have had or have less customers with what we've got to sell. A religious charter would be necessary in Pennsylvania or NJ to make it stick. But I sure could make it stick. We're treating the present time beingness, psychotherapy treats the past and the brain. And brother, that's religion, not mental science."

I found a great deal of similar evidence in the materials I assembled before I left Scientology. Mr. Hubbard's life has been a continuing pattern, since the early 1940's, of fraudulent business practices, tax evasion, flight from creditors and those seeking recompense, and then going into

...ing, outside the reach of wronged individuals and legal jurisdictions. In short, it is the life of a con man.

4) In early 1980 I was also assigned to a mission, the purpose of which was to work out legal strategies, and get them implemented, which would allow Mr. Hubbard to still control all of Scientology via his Commodore's Messenger Organization while being shielded from any lawsuits or legal involvements and responsibilities. One of the main problems which had to be resolved by this mission, and one of the arguments used in various court cases as proof that Scientology was not a religion, was the fact that Scientology was set up so that funds inured to the benefit of L. Ron Hubbard. For years Mr. Hubbard had had his legal representatives claim that he was not paid by Scientology, other than a \$35,000.00 annual consultant's fee, and royalties from sales of his books. Another claim was that he did not control Scientology monies. The fact is he had absolute control of all Scientology accounts. As late as 1980 I saw a despatch from him in which he ordered that unlimited Scientology funds were approved for a project to get him a Nobel Prize. Another fact is tht he received millions of Scientology dollars directly from a foreign corporation called Religious Research Foundation. Payments for auditing or courses at Flag by non-US Scientologists went into RRF accounts which Mr. Hubbard controlled absolutely and used

001215

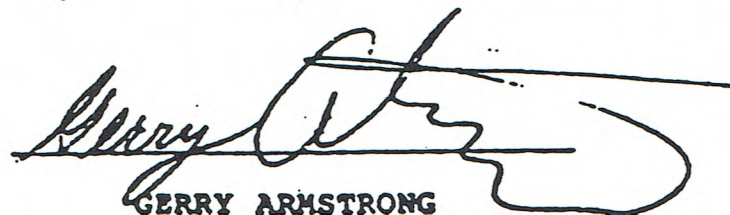
only for his own purposes.

5) I learned through my study of the documentation I assembled, and from more than ten years of observation of Mr. Hubbard and the Scientology movement, that Mr. Hubbard has successfully deceived his followers to the point where they will themselves lie and attempt to deceive others about the truth concerning him and Scientology. Scientology spokesmen and witnesses have stated that Mr. Hubbard doesn't control the organizations. The fact is he has absolute control, including financial control, and Scientologists know it. Between 1978 and 1980 I participated, along with at least 250 other Scientologists, in several massive operations to destroy or hide the evidences of Mr. Hubbard's control. Scientology spokesmen and witnesses have claimed that throughout 1980 and 1981 Mr. Hubbard could not be reached through the organization, or that organization executives did not know where he was. The fact is, the most senior executives were in continual communication with him throughout this period. Scientology spokesmen and witnesses have gone to great lengths to "prove" that Scientology is a valid religion, while knowing that it was simply a behavior therapy masquerading as a "church", and making a mockery of actual honest religious practices. In 1980, Watchdog Committee, the senior CMO body, responsible only to Mr. Hubbard and senior to every Scientology organization, ordered that every Sea Org member

had to complete the Minister's Course in two weeks or they would be assigned to the RPF. The reason given was to make every Sea Org member a "minister of the church of Scientology" and so avoid the US Selective Service draft then pending. What most Scientologists, and especially Sea Org members, don't know is that Mr. Hubbard had duped them. My knowledge based on documentation and observation, is that the major reason for Mr. Hubbard's calling Scientology a "religion", in addition to tax evasion, is to hide behind Constitutional guarantees for religions and so carry out his scheme of mind control to keep his followers duped. He has systematically and knowingly lied to and defrauded his followers, kept them from finding out the truth or becoming free with clear and bizarre treatment, as for example with the RPF, and kept them economically and mentally suppressed, while he made millions of dollars from their labor.

6) I am personally aware that Mr. Hubbard's policy of Fair Game is still a practice of Scientology. Since I left the organization with my wife in December 1981, I have been declared an enemy, and I believe my life and my wife's life, are in danger.

Signed under the pains and penalties of perjury this
22nd day of July, 1982.



GERRY ARMSTRONG

001217

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

A 33

TONJA BURDEN,

Plaintiff

CASE NO. 80-501-Civ-T-X

CHURCH OF SCIENTOLOGY
OF CALIFORNIA,

Defendants

AFFIDAVIT OF GERRY ARMSTRONG

I, Gerry Armstrong, hereby swear under the pains
and penalties of perjury as follows:

1) I have personal knowledge of the following
facts:

2) Tonja Burden served as a messenger for
L. Ron Hubbard on board the Apollo, and later in Dunedin,
Florida. While on the Apollo and in Dunedin Ms. Burden
was not provided with any education similar to a high
school curriculum. She was required to work long hours
every day of the week with one day off scheduled, but not
necessarily allowed, every two weeks. Ms. Burden's work
was mostly directly for L. Ron Hubbard, and his organization

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Church of Scientology, which I personally observed totally dominate and control, both on the Apollo and up to the time he left Hemet, California in February or March of 1980.

3) After Mr. Hubbard left Dunedin, Florida in March 1976 Tonja Burden was my junior in the LRH External Communications office in Dunedin. I personally observed Ms. Burden working long hours daily in the LEC office, much of which work consisted of coding and decoding telexes for the Guardian's Office, L. Ron Hubbard and the C.M.O. I observed that Ms. Burden was under considerable pressure and was emotionally upset a great deal of the time.

4) I personally observed Tonja Burden being placed in the Rehabilitation Project Force in Clearwater, Florida in 1977, as I was the senior in charge of the RPF during that time. While in Florida, I am personally aware that Ms. Burden was not provided any high school educational opportunities, and in fact I am aware that other minors in Clearwater between November 1975 and December 1977, when Ms. Burden left, did not receive normal educational opportunities, lived for the most

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part in grossly overcrowded, and therefore illegal, living conditions, and that many steps and measures were taken to conceal from City authorities the fact that minimal living standards were not being met by the Church of Scientology. I personally observed people in the RPF sleeping on floors, in storage rooms, in the boiler room, and in other sub-human conditions, including Tonja Burden. I personally participated in several actions to cover up the fact that many RPF members were sleeping in the garage of the Fort Harrison Hotel, and that upwards of fifty RPF members were sleeping in an unventilated storage room. The RPF was created by Mr. Hubbard in 1974 on the Apollo, and I became personally convinced from years of close observation of the RPF that it was used by Mr. Hubbard and others to degrade people and break their spirit.

5) When Tonja Burden attempted to leave the organization in November - December 1977, I was sent together with my wife at the time, Terri Armstrong, now Terri Gamboa, to pick up Ms. Burden in Las Vegas, Nevada, and take her to Los Angeles, California to be security checked on a meter and to obtain her signature on various documents, including releases and waivers which Mr. Hubbard and the organization required.

6) In Scientology, formal education is constantly discouraged. From Hubbard down, on all levels of command, minors and others both on the ship and in Florida were continually discouraged from pursuing normal educational channels, and educational opportunities were specifically not made available. The averments of my former wife, Terri Armstrong Gamboa, on this claim that educational opportunities were available and encouraged by the seniors in the CMO are absolute fabrications. Everyone in Scientology knows that traditional educational requirements are abhorred by Mr. Hubbard and the organization and not made available. Also traditional forms of medical and dental care were discouraged and made difficult to obtain.

7) Between February 1971 and September 1975; between December 1975 and June 1976, between January 1978 and September 1978, and between April 1979 and March 1980 I held positions in Scientology where I was often in personal contact with L. Ron Hubbard and where I could personally observe him direct and control Scientology throughout the world. From January 1978 to February 1980 at Mr. Hubbard's and the CMO's headquarters in La Quinta, California and Gilman Hot Springs, California, I several times observed and participated in massive operations

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involving hundreds of people where all papers at these locations were gone through and any which showed Mr. Hubbard's direct control of Scientology or financial control of Scientology monies or accounts were shredded, hidden off the properties, or buried. Statements by Scientology officers, Guardian's-Office personnel or CMO members that Mr. Hubbard did not control absolutely every Scientology organization internationally are false.

8) In January 1980 I was assigned a special project to collect information about L. Ron Hubbard for the purpose of a biography which Omar V. Garrison was later hired to write. During 1980 and 1981 I acquired considerable information about the background of Mr. Hubbard. I saw thousands of documents, many in Mr. Hubbard's handwriting, concerning his medical history, his military history, his academic background, and relating to other areas of his life. From these documents and from various other sources of information, I learned that Mr. Hubbard's academic background, military background, professional background, and several other areas of his personal history, have been uniformly misrepresented by both him and the Church of Scientology. Mr. Hubbard has claimed to have a degree in Engineering; in fact he flunked out of his second year of Engineering school and never graduated.

Mr. Hubbard claimed to be an Atomic Physicist; in fact he took one semester in Molecular Phenomena in his second year at university and received a mark of "F". Mr. Hubbard claimed to have a Doctor of Philosophy degree; in fact he had someone arrange the "degree" for him from a diploma mill. Mr. Hubbard claimed to have been awarded twenty-one medals and palms in the Second World War including the Purple Heart; in fact he was awarded five medals and no Purple Heart. Mr. Hubbard claimed to have been crippled and blinded in the war; in fact he was never crippled, nor blinded. Mr. Hubbard claimed to have commanded a squadron of corvettes during the Second World War; in fact he was removed and demoted from the two vessels he did command during the war. He has claimed to have done the first mineralogical survey of Puerto Rico; in fact he never did such a survey. He claimed to have written the screen play for several Hollywood major films including "The Plainsman" and "Dive Bomber"; in fact he worked on one serial, and neither of these mentioned films. Mr. Hubbard claimed that he did extensive scientific research involving hundreds of cases in his development of Dianetics between 1946 and 1950 when he published "Dianetics the Modern Science of Mental Health"; in fact he did very little, if any, research, was at the time married bigamously, was seriously mentally and emotionally disturbed, and was involved in occult organizations and operations.

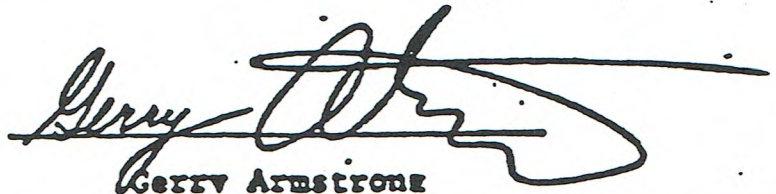
Throughout the late '40's and early '50's Mr. Hubbard was generally chased by creditors, the A.M.A., law enforcement officials and others as a result of defrauding people and as a result of his involvement in various illicit activities. Mr. Hubbard has continued his dishonest, unethical activities, and has used his organization to cover up such activities right up to present time. Organization officers have claimed that they do not know where Mr. Hubbard is; the fact is the very top Church of Scientology officials have been in regular contact with Mr. Hubbard, and his whereabouts has been deliberately hidden by the organization. Organization officers have claimed that Mr. Hubbard is not paid by the Church of Scientology, other than money he receives as royalties on the sale of his books. The fact is that he had absolute control of all Scientology reserves. Also, he was paid millions of dollars directly from a foreign corporation called Religious Research Foundation. Payments from non-U.S. Scientologists who took Flag services were channelled to RRF. Hubbard had total control of RRF monies and received several million dollars directly from this corporation, which is made up of Scientology funds. I am personally aware of this because I was on a legal mission in 1980, one of the actions of which was to make "legal" a 2.1 million dollar payment for film scripts

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Mr. Hubbard had written, which Mr. Hubbard's personal accounts officer transferred from RRF to Mr. Hubbard's personal account without the knowledge or approval of Scientology officers. In sum, I learned that Mr. Hubbard is a fraud, that he had deceived me and many others, and for this reason I left the Church of Scientology in December 1981.

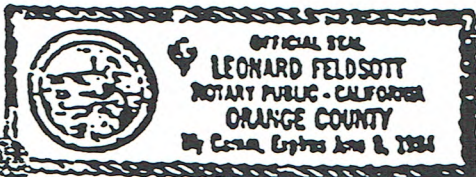
2) I have since been declared an enemy of the Church of Scientology and am fearful that my life is in danger.

Signed under the pains and penalties of perjury
this 25th day of JUNE, 1982.


Gerry Armstrong

STATE OF CALIFORNIA

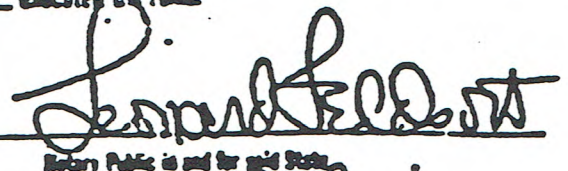
ORANGE



ON 6-25-1982
before me, the undersigned, a Notary Public in and for said State, personally appeared
GERRY ARMSTRONG

known to me,
to be the person whose name is subscribed to the within instrument,
and acknowledged to me that he executed the same.

WITNESS my hand and official seal.


Notary Public in and for said State

001226

RECEIVED AUG 16 1984

A 279

1 CONTOS & BUNCH
2 5855 Topanga Canyon Boulevard
3 Suite 400
4 Woodland Hills, California 91367
5 (818) 716-9400

6 Attorneys for Cross-Complainant
7 GERALD ARMSTRONG

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

10
11 CHURCH OF SCIENTOLOGY OF
12 CALIFORNIA, a California
corporation,

13 Plaintiff,

14 vs.

15 GERALD ARMSTRONG,

16 Defendants.

17
18 GERALD ARMSTRONG,

19 Cross-complainant,

20 vs.

21 CHURCH OF SCIENTOLOGY OF
22 CALIFORNIA, a California
23 corporation, L. RON
24 HUBBARD, CHURCH OF
SCIENTOLOGY INTERNATIONAL,
RELIGIOUS TECHNOLOGY
CENTER, and DOES 1 through
100, inclusive,

25 Cross-defendants.

CASE NO: C 420 153

NOTICE OF ENTRY OF
JUDGMENT
(C.C.P. Section 664.5)

001228

26
27 TO PLAINTIFF, CHURCH OF SCIENTOLOGY OF CALIFORNIA AND TO
28 INTERVENOR, MARY SUE HUBBARD, AND THEIR ATTORNEYS OF RECORD:

A 280

1 NOTICE IS HEREBY GIVEN that on August 10, 1984, judgment
2 was entered in the above-entitled action in favor of defendant,
3 GERALD ARMSTRONG, and against plaintiff, CHURCH OF SCIENTOLOGY
4 OF CALIFORNIA and intervenor, MARY SUE HUBBARD. Defendant,
5 GERALD ARMSTRONG, was further awarded costs.

6 DATED: August 14, 1984

7 CONTOS & BUNCH

8
9
10 By: 
11

JULIA DRAGOJEVIC
Attorneys for Defendant,
GERALD ARMSTRONG

12
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27 001229
28

VERIFICATION BY PARTY (444. 2015.5 C. C. P.)

STATE OF CALIFORNIA, COUNTY OF

A 281

I am the _____

in the above entitled action or proceeding. I have read the foregoing _____

and know the contents thereof, and I certify that the same is true of my own knowledge, except as to those matters which are therein stated upon my information or belief, and as to those matters I believe it to be true.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on _____ at _____, California
(date) (place)

Signature

PROOF OF SERVICE BY MAIL (1013a. 2015.5 C. C. P.)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am a resident of the county aforesaid. I am over the age of eighteen years and not a party to the within entitled action. my business address is:

5855 Topanga Cyn. Blvd., Suite 400, Woodland Hills, CA. 91367

On August 15, 1984, I served the within NOTICE OF ENTRY OF
JUDGMENT (C.C.P. Section 664.5)

on the other parties herein
in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail
at Woodland Hills, California
addressed as follows:

Michael S. Magnuson, Esq.
LITT & STORMER
Paramount Plaza
3500 Wilshire Blvd.
Suite 1200
Los Angeles, CA. 90010

John G. Peterson, Esq.
PETERSON & BRYNAN
8530 Wilshire Blvd.
Suite 407
Beverly Hills, CA. 90211

001230

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on August 15, 1984 at Woodland Hills, California
(date) (place)

[Signature]

001231

EXHIBIT I

ORIGINAL FILED
AUG 28 1984
COUNTY CLERK

A 282

JOHN G. PETERSON
Peterson & Brynan
8530 Wilshire Blvd., Suite 407
Beverly Hills, California 90012
(213) 659-9965

BARRETT S. LITT
MICHAEL S. MAGNUSON
The Law Offices of Litt and Stormer
3550 Wilshire Blvd., Suite 1200
Los Angeles, California 90010
(213) 386-4303

Attorneys for Intervenor

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

CHURCH OF SCIENTOLOGY OF
CALIFORNIA,

Plaintiff,

v.

GERALD ARMSTRONG,

Defendant,

MARY SUE HUBBARD,

Intervenor.

Case No. C 420153

NOTICE OF APPEAL

CASH M183083

FEE RECEIVED

NOTICE IS HEREBY GIVEN that Plaintiff Church of
Scientology of California and Intervenor Mary Sue Hubbard
appeal from the judgment entered on August 10, 1984.

DATED: August 23, 1984

Respectfully submitted,

JOHN G. PETERSON
Peterson & Brynan

By:

JOHN G. PETERSON

Attorney for Plaintiff
Church of Scientology of
California

Law Offices of
Litt and Stormer

By:

BARRETT S. LITT

Attorney for Intervenor
Mary Sue Hubbard

001232

STATE OF CALIFORNIA, COUNTY OF

VERIFICATION

A 283

I have read the foregoing

and know its contents.

☒ CHECK APPLICABLE PARAGRAPH

☐ I am a party to this action. The matters stated in it are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☐ I am ☐ an Officer ☐ a partner ☐ a _____ of _____

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I have read the foregoing document and know its contents. The matters stated in it are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☐ I am one of the attorneys for _____ a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I have read the foregoing document and know its contents. I am informed and believe and on that ground allege that the matters stated in it are true.

Executed on _____ 19____ at _____ California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

ACKNOWLEDGMENT OF RECEIPT OF DOCUMENT
(other than summons and complaint)

Signature _____

Received copy of document described as _____

on _____ 19____

Signature _____

PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA, COUNTY OF

I am employed in the county of Los Angeles, _____ State of California.

I am over the age of 18 and not a party to the within action; my business address is: 3550 Wilshire Blvd.
Suite 1200, Los Angeles, California 90010

On August 23, 1984 I served the foregoing documents described as NOTICE OF APPEAL

on _____

in this action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at: Los Angeles, California

addressed as follows:

Contos & Bunch
5855 Topanga Canyon Blvd., Ste. 400
Woodland Hills, CA 91367

☐ (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Los Angeles California.

☐ (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee.
Executed on _____ 19____ at _____ California.

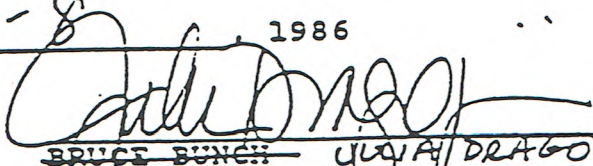
☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
☐ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.


001233

Debra M. S. S. S.

1 On December 6, 1986, the parties entered
2 into a "Mutual Release of All Claims and Settlement Agreement."
3 An executed copy of same Agreement has been filed herein under
4 seal and shall be kept under seal by the Clerk of this Court.
5 This Court shall retain jurisdiction, and may reopen this case
6 at any time for the purpose of enforcing said Agreement.

7 DATED: 12-8, 1986

8 
9 ~~BRUCE BUNCH~~ JULIA DRAGOJEVIK
10 CONYOS & BUNCH
11 5855 Topanga Canyon Boulevard
12 Suite 400
13 Woodland Hills, CA 91367
14 (818) 716-9400

15 
16 JOHN G. PETERSON
17 PETERSON & BRYNAN
18 8530 Wilshire Boulevard
19 Suite 407
20 Beverly Hills, California 90211
21 (213) 659-9965

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25
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EXHIBIT L

001237

FILED

DEC 11 1986

FRANK S. ZOLIN County Clerk

By *Rosie M. Hart*
BY ROSIE M. HART, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

GERALD ARMSTRONG,

Cross-Complainant,

v.

CHURCH OF SCIENTOLOGY OF
CALIFORNIA, a California
Corporation,

Cross-Defendant.

No. C 420 153
(Severed Action)

ORDER DISMISSING ACTION
WITH PREJUDICE

Upon consideration of the parties' Stipulation for
Dismissal, the "Mutual release of All Claims and Settlement
Agreement" and the entire record herein, it is

ORDERED AND ADJUDGED:

1. That this action is dismissed with prejudice.
2. That an executed duplicate original of the
parties' "Mutual Release of All Claims and Settlement Agreement"
filed herein under seal shall be retained by the Clerk of this
Court under seal.

Dated: December 11, 1986

Paul G. Breckenridge
Hon. Paul G. Breckenridge

001238

1 JOHN G. PETERSON
2 PETERSON AND BRYNAN
3 8530 Wilshire Boulevard, Suite 407
4 Beverly Hills, California 90211
5 (213) 659-9965

6 Attorneys for Plaintiff and Cross-Defendant
7 CHURCH OF SCIENTOLOGY OF CALIFORNIA

FILED

DEC 11 1986

FRANK S. ZOLIN County Clerk

Rosie M. Hart
BY ROSIE M. HART, DEPUTY

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF LOS ANGELES

11 CHURCH OF SCIENTOLOGY OF
12 CALIFORNIA, a California
13 Corporation,

14 Plaintiff,

15 v.

16 GERALD ARMSTRONG, et al.,

17 Defendants.

18 AND RELATED CROSS-ACTION.

Case No. C 420153

STIPULATION FOR RETURN
OF SEALED MATERIALS AND
EXHIBITS

19 IT IS HEREBY STIPULATED between the parties and their
20 counsel herein as follows:

21 1. All documents, originals and copies, and other items
22 surrendered to the Court by Armstrong and his attorneys pursuant
23 to Judge Cole's orders of August 24, 1982 and September 4, 1982
24 and all documents and other items taken by Armstrong from
25 either the Church of Scientology or Omar Garrison shall be
26 released from the Superior Court and returned forthwith to
27 Church of Scientology of California or its attorney of record.

28 2. All documents and items entered into evidence or

1 marked for identification in Church of Scientology of
2 California v. Gerald Armstrong Case No. C 420 153 shall be
3 released from the Superior Court and returned forthwith to the
4 Church of Scientology of California or its attorney of record.

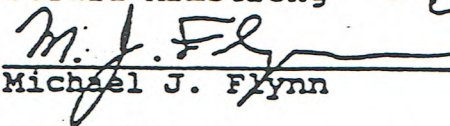
5 3. All documents or items marked for identification or
6 entered into evidence and lodged with the Court of Appeal shall
7 be released and returned to the Church of Scientology of
8 California or its attorney of record forthwith upon their
9 return to the Superior Court from the Court of Appeal.

10 The parties and their attorneys hereto have executed this
11 stipulation on the date opposite their names.

12 Dated December 6, 1986

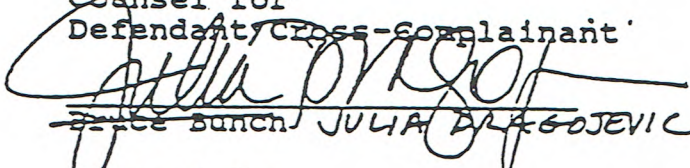

Gerald Armstrong

13
14 Dated 12/6/86


Michael J. Flynn

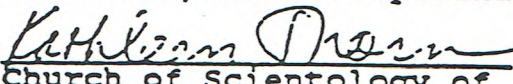
15
16
17 Dated 12/8/86

Counsel for
Defendant/Cross-Complainant


~~Julie D. Bogovic~~ JULIA D. BOGOJEVIC

18
19
20 Dated 12/11/86

Counsel for
Defendant/Cross-Complainant


Kathleen D. Brown
Church of Scientology of
California

21
22 Dated 12/10/86


John G. Peterson

Counsel for
Plaintiff/Cross-Defendant

Copy: Mr. Tette
Copy: Division Head

JOHN G. PETERSON
PETERSON AND BRYNAN
8530 Wilshire Boulevard, Suite 407
Beverly Hills, California 90211
(213) 659-9965

Attorneys for Plaintiff and Cross-Defendant
CHURCH OF SCIENTOLOGY OF CALIFORNIA

FILED

DEC 11 1986

FRANK S. ZOLIN County Clerk

[Signature]
BY ROSE M. HART

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

CHURCH OF SCIENTOLOGY OF
CALIFORNIA, a California
Corporation,

Plaintiff,

v.

GERALD ARMSTRONG, et al.,

Defendants.

AND RELATED CROSS-ACTION.

Case No. C 420153

ORDER FOR RETURN OF
EXHIBITS AND SEALED
DOCUMENTS

The Court having read and considered a stipulation for
return of sealed materials and exhibits between the parties and
their counsel;

IT IS ORDERED:

1. All documents, originals and copies, and other items
surrendered to the Court by Armstrong and his attorneys pursuant
to Judge Cole's orders of August 24, 1982 and September 4, 1982
and all documents and other items taken by Armstrong from
either the Church of Scientology or Omar Garrison shall be
released from the Superior Court and returned forthwith to

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1 the Church of Scientology of California or its attorney of
2 record.

3 2. All documents and items entered into evidence or
4 marked for identification in Church of Scientology of
5 California v. Gerald Armstrong, Case No. C 420 153 shall be
6 released from the Superior Court and returned forthwith to the
7 Church of Scientology of California or its attorney of record.

8 3. All documents or items marked for identification or
9 entered into evidence and lodged with the Court of Appeal shall
10 be released and returned to the Church of Scientology of
11 California or its attorney of record forthwith upon their
12 return to the Superior Court from the Court of Appeal.

13 4. Notwithstanding the foregoing, the following exhibits
14 shall be exempted from the terms of this order pending a final
15 appellate decision in the litigation entitled United States
16 v. Zolin, Ninth Circuit Court of Appeals Nos. 85-6065,
17 85-6105: .500-CCCCC; 500-~~KKKKK~~; 500-LLLLL; 500-00000;
18 500-PPPPP; and 500-000000. In the event that the Zolin
19 litigation terminates with a judicial determination that the
20 United States of America is not entitled to obtain any of these
21 listed exhibits, then any such exhibits shall be returned
22 forthwith by the Clerk of this Court to the Church of
23 Scientology of California or its attorneys of record. In the
24 event that the government is found to be entitled to any of the
25 listed exhibits upon the conclusion of the Zolin litigation,
26 the Clerk of this Court shall provide the government with a
27 copy of such exhibit or exhibits and then immediately return
28 all remaining copies of the corresponding exhibits to the

1 Church of Scientology of California or its attorneys of record.

2
3 DATED

Dec 11, 1986

Paul G. Breckenridge, Jr.
PAUL G. BRECKENRIDGE, JUDGE

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ORDER
APPEAL FROM THE
COURT OF APPEAL
IS DISMISSED BY DISTRICT
COURT OF APPEAL
APR 7 1987
7-21-87
IN THE DISTRICT COURT
OF THE STATE OF CALIFORNIA
IN AND FOR
THE COUNTY OF LOS ANGELES.
BY: H.D. DEPUTY

001246

EXHIBIT O

1 BRUCE BUNCE
2 CONTOS & BUNCE
3 5855 Topanga Canyon Boulevard
4 Suite 400
5 Woodland Hills, CA 91367
6 (818) 716-9400

7 Attorneys for Cross-Complainant
8 Gerald Armstrong

9 JOHN G. PETERSON
10 PETERSON AND BRYNAN
11 8530 Wilshire Boulevard, Suite 407
12 Beverly Hills, California 90211
13 (213) 659-9965

14 Attorneys for Plaintiff and Cross-Defendant
15 CHURCH OF SCIENTOLOGY OF CALIFORNIA

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA
17

18 FOR THE COUNTY OF LOS ANGELES

19 CHURCH OF SCIENTOLOGY OF
20 CALIFORNIA, a California
21 Corporation,

22 Plaintiff,

23 v.

24 GERALD ARMSTRONG,

25 Defendant.

Case No. C 420153

STIPULATED SEALING ORDER

26 AND RELATED CROSS-ACTION.

001247

27 Pursuant to and as a provision of a Settlement Agreement
28 of the parties hereto, which is dispositive of all claims of
the above captioned case, the parties hereby voluntarily enter
into the following stipulation:

1. Defendant/Cross-Complainant hereby agrees that the
Clerk of the Court will produce to Plaintiff/Cross-Defendant

ORIGINAL FILED

DEC 11 1986

COUNTY CLERK

1 the following records in the Custody of the Clerk:

2 a) All these documents surrendered to the Custody of the
3 Clerk of the Court by Michael Flynn and the law firm of Contos
4 & Bunch in September 1982, pursuant to the Order of Judge John
5 J. Cole in the above captioned case, dated September 4, 1982;
6 and b) all exhibits entered into evidence or marked for
7 identification at the trial of this case in May - June of 1984.

8 2. The entire remaining record of this case, save only
9 this order, the order of dismissal of the case, and any orders
10 necessary to effectuate this order and the order of dismissal,
11 are agreed to be placed under the seal of the Court.

12 3. It is agreed between the parties that should the Court
13 require a motion or any further pleadings to effectuate and
14 sign this Stipulated Sealing Order, the parties will jointly
15 comply with the Court's further orders, if any.

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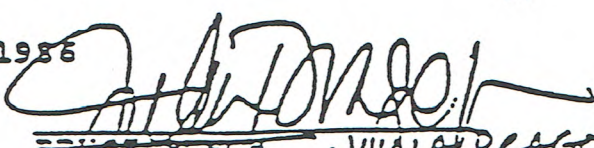
28 ///

001248


051

1 4. This agreement is effective as of the date of the
2 dismissal of this case.

3 DATED: 12-8, 1986

4 
5 ~~BRUCE BUNCE~~ BRUCE J. DRAGOWICK
6 CONTO & BUNCE
7 5855 Topanga Canyon Boulevard
8 Suite 400
9 Woodland Hills, CA 91367
10 (818) 716-9400

11 Counsel for
12 Defendant/Cross-Complainant

13 
14 JOHN G. PETERSON
15 PETERSON & BRYNAN
16 8530 Wilshire Boulevard
17 Suite 407
18 Beverly Hills, California 90211
19 (213) 659-9963

20 Counsel for Plaintiff/Cross-Defendant

21 IT IS SO ORDERED.

22 15 / PAUL G. BRECKENRIDGE, JR. DEC. 11, 1986 Dated
23 HON. PAUL G. BRECKENRIDGE
24
25
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27
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001249

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DEPT. 57

Date DEC.11,1986 SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

HONORABLE P G BRECKENRIDGE, JR JUDGE

R HART

Deputy Clerk

Deputy Sheriff

N HARRIS

Reporter

2. S YAKOUBIAN

Court Attendant

(Parties and counsel checked if present)

C420153

GERALD ARMSTRONG,

Counsel for CONTOS & BUNCH
X- Plaintiff BY: JULIA DRAGOJEVIC ✓
MICHAEL FLYNN ✓

VS

Counsel for PETERSON & BRYNAN
X- Defendant BY: JOHN G. PETERSON ✓
MICHAEL HERTZBERG ✓ for M. Hubbard
also appearing, LENSKE, LENSKE &

CHURCH OF SCIENTOLOGY OF
CALIFORNIA,

~~XXXXXXXXXXXX~~

HELLER BY: LAWRENCE E. HELLER ✓

NATURE OF PROCEEDINGS: JOINT EX-PARTE APPLICATION FOR DISMISSAL

Pursuant to stipulation of the parties, the cross-complaint is dismissed with prejudice.

Further orders are made pursuant to stipulation, including the following: The Court retains jurisdiction to enforce the settlement agreement; all documents surrendered to the court or marked as exhibits shall be returned to the Church of Scientology or its attorneys forthwith except six, 500-CCCCC, 500-KKKKK, 500-LLLLL, 500-00000, 500-PPPPP and 500-000000; the entire remaining record of this case, except the "Stipulated Sealing Order" and "Order Dismissing Action With Prejudice" filed this date, are ORDERED SEALED and not to be opened or inspected without prior order of Court.

The following listed documents are filed this date: Joint Stipulation of Dismissal, Order Dismissing Action With Prejudice, Stipulation for Return of Sealed Materials and Exhibits, Order for Return of Exhibits and Sealed Documents, and Stipulated Sealing Order.

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(2) DEPT 57

MINUTES ENTERED

12-11-86

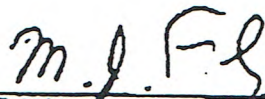
COUNTY CLERK

STIPULATION

The Church of Scientology of California, Mary Sue Hubbard, and Gerald Armstrong, by and through their undersigned counsel, hereby stipulate that in any retrial ordered by any appellate court in Church of Scientology of California v. Gerald Armstrong, LASC No. C 420153, the total damages awarded to the Plaintiff Church of Scientology of California and Plaintiff in Intervention Mary Sue Hubbard, combined for any and all causes of action, shall not exceed twenty five thousand and one dollars (\$25,001.00).

DATED:


12/10/86


 MICHAEL J. FLANN

Attorney for Defendant
Gerald Armstrong

DATED:

Dec 10, 1986


 JOHN G. PETERSON

Attorney for Plaintiff
Church of Scientology
of California

DATED:


 MICHAEL LEE HERTZBERG

Attorney for Intervenor
Mary Sue Hubbard

INDEMNITY AGREEMENT

The undersigned hereby agree to jointly indemnify MICHAEL J. FLYNN within the limitation described in the last paragraph hereof, in the event, and only in the event, all of the following conditions occur:

1. The case of Church of Scientology of California v. Armstrong, Los Angeles Superior Court No. 420153 and Court of Appeal No. B005912 the appeal of which is presently pending before the California Appellate Courts, Second District, is reversed and the damage cause of action therein is remanded for a retrial by said the Appellate Court; and

2. The Plaintiff therein, Church of Scientology of California, retries any part of said action, pursuant to that remand, wherein the Church of Scientology of California prays for damages; and

3. Judgment is entered pursuant to said retrial in favor of the Church of Scientology of California and against Gerald Armstrong; and

3. Gerald Armstrong pays any part or all of said judgment for damages; and

4. Michael J. Flynn reimburses Gerald Armstrong for any part or all of the monies paid to the Church of Scientology of California by Gerald Armstrong pursuant to the said judgment.

If all of the foregoing conditions occur the undersigned will indemnify Michael J. Flynn only for the sum of money he has reimbursed Gerald Armstrong. In no event will the undersigned

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indemnify Michael J. Flynn for any sum greater than twenty-five thousand dollars.


EARLE C. COOLEY


LAWRENCE E. HELLER

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001257

EXHIBIT S

Date DEC. 12, 1986

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

HONORABLE P. G. BEECKENRIDGE, JR. JUDGE

Deputy Sheriff

Court Attendant

P. HART

Deputy Clerk

NONE

Reporter

NONE

(Parties and counsel checked if present)

C420153

GERALD ARMSTRONG,

Counsel for

X-- Plaintiff

VS

Counsel for

X-- Defendant

CHURCH OF SCIENTOLOGY OF
CALIFORNIA,

NATURE OF PROCEEDINGS: ORDER

The Clerk having this date had conversations with counsel for cross-defendant, John G. Peterson, the Court finds that the document entitled "Mutual Release of All Claims and Settlement Agreement" referred to in the Joint Stipulation of dismissal as and executed copy and referred to in the Order Dismissing Action as an executed duplicated original, has not been filed with the court.

Good cause appearing therefor, the Court orders that the County Clerk may maintain the remaining six (6) exhibits in the normal and regular manner of handling sealed exhibits.

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DEPT. 57

MINUTES ENTERED

12-12-86

COUNTY CLERK

001259

Ct.

NOT TO BE PUBLISHED

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION THREE

CHURCH OF SCIENTOLOGY
OF CALIFORNIA,

Plaintiff
and Appellant;

MARY SUE HUBBARD,

Intervener
and Appellant,

v.

GERALD ARMSTRONG,

Defendant
and Respondent.

B005912

(Super.Ct.No. C 420153)

COURT OF APPEAL SECOND DISTRICT

FILED

DEC 18 1990

CLAY ROBBINS, JR. Clerk

Dputy Clerk

APPEAL from a judgment of the Superior Court of Los Angeles County. Paul C. Breckenridge, Jr., Judge.
Dismissed.

Rabinowitz, Boudin, Standard, Krinsky & Lieberman,
Overland, Berke, Wesley, Gits, Randolph & Levanas, Peterson
& Brynan, Eric M. Lieberman, Donald Randolph, Michael Lee
Hertzberg and John G. Peterson for Appellant and Intervener.

Contos & Bunch, Flynn & Joyce, Bruce M. Bunch,
Julia Dragojevic and Michael J. Flynn for Defendant.

001260

The Church of Scientology of California (Church) sued former Church staff member Gerald Armstrong, alleging, inter alia, that he converted to his own use original confidential archive materials and photocopies of such materials, and disseminated the same to unauthorized persons, thereby breaching his fiduciary duty to the Church, which sought return of the documents, injunctive relief against further dissemination of the materials or information contained therein, imposition of a constructive trust over the property and any profits Armstrong might realize from his use of the materials, as well as damages. Mary Sue Hubbard, wife of Church founder L. Ron Hubbard, intervened in the action, alleging causes of action for conversion, invasion of privacy, possession of personal property [sic], and declaratory and injunctive relief. Armstrong cross-complained for damages for fraud, intentional infliction of emotional distress, libel, breach of contract, and tortious interference with contract. The cross-complaint was severed from the complaint and has not yet been tried.

Following a lengthy trial on the complaint, the trial court determined, as reflected in its statement of decision, that the Church had "made out a prima facie case of conversion (as bailee of the materials), breach of

fiduciary duty, and breach of confidence (as the former employer who provided confidential materials to its then employee for certain specific purposes, which the employee later used for other purposes to plaintiff's detriment)."

The court also found that Mary Sue Hubbard had "made out a prima facie case of conversion and invasion of privacy (misuse by a person of private matters entrusted to him for certain specific purposes only)."

The court found that Armstrong "did not unreasonably intrude upon Mrs. Hubbard's privacy under the circumstances", and that his conduct with respect to both plaintiffs was justified, in that he took and kept the documents because he believed that his and his wife's physical and mental well-being were threatened by the Church, and that he could only protect them by keeping the documents as evidence supportive of his statements about the Church, and by "going public" so as to minimize the risk that L. Ron Hubbard, the Church, or any of their agents would do him physical harm.

With respect to the materials taken by Armstrong, the court found "that neither plaintiff has clean hands, and that at least as of this time [neither is] entitled to the immediate return of any document or object[] presently retained by the court clerk."

Judgment was entered in Armstrong's favor on August 10, 1984.^{1/} With respect to the documents the court made the following orders:

"(a) All documents and objects received in evidence or marked for identification during trial, unless specifically ordered sealed, are matters of public record and shall be available for public inspection or use to the same extent that any such exhibit would be available in any other lawsuit;

"(b) Those exhibits specifically ordered sealed are as follows: Exhibits in Evidence Nos. 500-40; JJJ; KKK; LLL; MMM; NNN; OOO; PPP; QQQ; RRR; and 500-QQQQ. Exhibits for identification only Nos. JJJJ; Series 500-DDDD, EEEE, FFFF, GGGG, HHHH, IIII, NNNN-1, OOOO, ZZZZ, CCCCC, GGGGG, IIIII, KKKKK, LLLLL, OOOOO, PPPPP, QQQQQ, BBBBBB, OOOOOO, BBBBBBBB;

"(c) The 'inventory list and description' of materials turned over by counsel for Defendant Gerald Armstrong to the Court shall not be considered or deemed to be confidential, private or under seal;

"(d) Defendant Gerald Armstrong and his counsel are free to speak or communicate upon any of Defendant Gerald Armstrong's recollections of his life as a Scientologist or upon the contents of any exhibit received in evidence or marked for identification and not specifically ordered sealed;

^{1/} The judgment is not included in the present record. We take judicial notice of the record in Roes 1-200 v. Superior Court (B010793, B010402, B012860) which does include a copy of the judgment entered herein.

"(e) As to all documents and other materials held under seal by the Clerk, Defendant Gerald Armstrong and his counsel shall remain subject to the same injunctions as presently exist, at least until the conclusion of the proceedings on the Cross-Complaint of Defendant Gerald Armstrong.

"(f) In any other legal proceedings in which defense counsel, Contos & Bunch and Michael J. Flynn, or any of them, is of record, such counsel shall have the right to discuss exhibits under seal, or their contents, if such is reasonably necessary and incidental to the proper representation of his or her client;

"(g) If any court of competent jurisdiction orders Defendant Gerald Armstrong or his counsel to testify concerning the fact of any such exhibit, document, object, or its contents, such testimony shall be given, and no violation of this judgment will occur;

"(h) Defendant Gerald Armstrong and his counsel may discuss the contents of any documents under seal or . . . any matters . . . which this Court has found to be privileged as between the parties hereto, with any duly constituted governmental law enforcement agency or submit any exhibits or declarations thereto concerning such document or materials, without violating this judgment;

"(i) All other documents or objects presently in the possession of the Clerk of the Court and not marked as court exhibits, shall be retained by the Clerk subject to the same orders as are presently in effect as to sealing and inspection; until such time as trial court proceedings are concluded as to the severed Cross-Complaint of Defendant Gerald Armstrong.

"(j) For the purposes of this Judgment,

conclusion will occur when any motion for new trial has been denied, or the time within [which] such a motion must be brought has expired without such a motion being made. At that time, all documents neither received in evidence, nor marked for identification only, shall be released by the Clerk to Plaintiff's [representatives]. Notwithstanding this Order, the parties may at any time, by written stipulation filed with the Clerk, obtain release of any or all such unused material;

"(k) This Court will retain jurisdiction to enforce, modify, alter or terminate any injunction included within this Judgment."

Plaintiffs' appeal, contending: (1) the defenses found by the trial court do not apply to their causes of action, (2) the defenses would not in any event defeat plaintiffs' claims for injunctive relief, (3) the trial court erred in applying the defense of unclean hands, (4) the court erred in unsealing certain of the documentary exhibits, and (5) the court erred in admitting "vast amounts" of hearsay and irrelevant evidence, resulting in a miscarriage of justice.

Armstrong contends the judgment is in all respects proper.

There is a threshold question, not raised by the parties, whether the judgment entered on the complaint is an

appealable judgment. "As our Supreme Court stated in Collins v. Corse (1936) 8 Cal.2d 123, 124 . . .: 'If it is not an appealable order, it is the duty of this court on its own motion to dismiss the appeal.'" (DeGrandchamp v. Texaco, Inc. (1979) 100 Cal.App.3d 424, 430.)

As a general rule, "an appeal will be dismissed where a purported final judgment is rendered in a complaint without adjudicating the issues raised by a cross-complaint." (9 Witkin, Cal. Procedure (3d ed. 1985) Appeal, § 56, p. 78.) "The authorities clearly hold that an action in which cross-complaint or counterclaim is also filed is not one wherein a multiplicity of final judgments may result. [Citations.]" (Clovis Ready Mix Co. v. Aetna Freight Lines (1972) 25 Cal.App.3d 276, 281.)

This is so because "[t]here can be but one final judgment in an action, and that is one which in effect ends the suit in the court in which it was entered, and finally determines the rights of the parties in relation to the matter in controversy. [Citations.]" (Stockton etc. Works v. Ins. Co. (1893) 98 Cal. 557, 577; DeGrandchamp v. Texaco, Inc., supra, 100 Cal.App.3d at p. 431.)

In DeGrandchamp, the court recognized that "[t]here are exceptions to this rule, and there is at least one acceptable device for avoiding it under certain circumstances." (DeGrandchamp v. Texaco, Inc., supra, 100 Cal.App.3d at p.431.) The only recognized exception relevant to our case is that discussed in Schonfeld v. City of Vallejo (1975) 50 Cal.App.3d 401, where the court considered the effect of severance pursuant to Code of Civil Procedure section, 1048^{2/} stating, at page 417: "Our research has disclosed no case that considers the conflict between the one final judgment rule and the severance

^{2/} Section 1048 provides, in part: "(b) The court, in furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition and economy, may order a separate trial of any cause of action, including a cause of action asserted in a cross-complaint, or of any separate issue or of any number of causes of action or issues, preserving the right of trial by jury required by the Constitution or a statute of this state or the United States."

The Legislative Committee Comment--Assembly to section 1048 reads, in part: "Section 1048 does not deal with the authority of a court to enter a separate final judgment on fewer than all the causes of action or issues involved in an action or trial. See Code of Civil Procedure sections 578-579; 3 Cal.Jur.2d Appeal and Error § 40; California Civil Appellate Practice §§ 5.4, 5.15-5.26 (Cal.Cont.Ed.Bar 1966); 3 B. Witkin, California Procedure Appeal §§ 10-14 (1954). This question is determined primarily by case law, and Section 1048 leaves the question to case law development."

statute, Code of Civil Procedure section 1048. An eminent authority notes that ' . . . in complicated cases the one final judgment rule proves to be a delusion, and appeals from separate final judgments in a single action continue to present the most difficult problems in the field of appellate procedure' (6 Witkin, Cal. Procedure, Appeal, § 37, pp. 4051 and 4052).^[3/] And we have indicated that even though a cause of action is severed and tried separately, pursuant to Code of Civil Procedure section 1048, a separate judgment is not necessarily the result (National Electric Supply Co. v. Mount Diablo Unified School Dist., 187 Cal.App.2d 418, 421-422 . . .)."

The Schonfeld court conceded that, "given the workload of the appellate courts of this state, it would be an unnecessary and wasteful burden for all concerned to rigidly adhere to the one final judgment rule. This court has previously indicated that pursuant to federal practice, separate appealable judgments may be rendered on counts that present separate claims for relief (Fed. Rules Civ. Proc., rule 54(b); see Reeves v. Beardall, 316 U.S. 283 [86 L.Ed.

^{3/} Now see 9 Witkin, California Procedure (3d ed. 1985) Appeal, section 44, pages 67- 68.

1478, 62 S.Ct. 1085]; Sears, Roebuck & Co. v. Mackey, 351 U.S. 427 [100 L.Ed. 1297, 76 S.Ct. 895]; Cold Metal Process Co. v. United Co., 351 U.S. 445 [100 L.Ed. 1311, 76 S.Ct. 904]; Wilson v. Wilson, 96 Cal.App.2d 589, 596 At the time of our decision in Wilson, no California court had recognized such an exception The test is whether the circumstances here presented are so unusual that postponement of the appeal until the final judgment on Schonfeld's fourth cause of action would cause so serious a hardship and inconvenience as to require us to augment the number of existing exceptions (U.S. Financial v. Sullivan, 37 Cal.App.3d 5, 11-12 . . .; Western Electroplating Co. v. Henness, 172 Cal.App.2d 278, 283 . . .; see Gombos v. Ashe [(1958) 158 Cal.App.2d 517] 523)." (Schonfeld v. City of Vallejo, supra, 50 Cal.App.3d at p. 418; DeGrandchamp v. Texaco, Inc., supra, 100 Cal.App.3d at p. 434.)

In Schonfeld, the court held that a final judgment resulted as to properly severed causes of action, i.e., those that raised issues separate and independent from the cause of action remaining to be tried. (Schonfeld v. City of Vallejo, supra, 50 Cal.App.3d at pp. 418-419.) In DeGrandchamp, on the other hand, the facts could not be brought within this rule, as at least two remaining causes

of action were "wholly dependent" upon the obligation which was the subject of the severed cause of action for declaratory relief upon which judgment had been entered.

(DeGrandchamp v. Texaco, Inc., supra, 100 Cal.App.3d at p. 435; Highland Development Co. v. City of Los Angeles (1985) 170 Cal.App.3d 169, 179.)

The present case presents a somewhat different problem, as we are here concerned not with severance of a cause or causes of action, but of the complaint from the cross-complaint. The claims for relief are clearly separate and distinct. However, we cannot say that "the circumstances here presented are so unusual that postponement of the appeal until the final judgment on [the cross-complaint] would cause so serious a hardship and inconvenience as to require us to augment the number of existing exceptions [to the single judgment rule]." (Cf. Schonfeld v. City of Vallejo, supra, 50 Cal.App.3d at p. 418; Armstrong Petroleum Corp. v. Superior Court (1981) 114 Cal.App.3d 732, 737.)

Moreover, the record of the trial on the complaint, and the allegations of the cross-complaint, make it clear that there is considerable overlap of factual matters asserted as justification for Armstrong's taking of the

plaintiffs' documents, and alleged by him as having caused him damage. The trial court acknowledged this overlap when it granted the motion to sever, but apparently felt that resolution of the issues relating to the conversion cause of action might expedite resolution of the remaining issues.

The factual overlap might not preclude our review of the judgment entered herein, were it not for the documents which are inextricably entwined with both complaint and cross-complaint. The primary object of the complaint is repossession of the documents by the plaintiffs. The primary exhibits at trial of Armstrong's cross-complaint will also come from among the documents. The trial court found that they belonged to the plaintiffs, but that the plaintiffs had unclean hands which justified delaying their return until the judgment entered on the cross-complaint is final. At that time, all documents "neither received in evidence, nor marked for identification," are to be released to plaintiff's representatives. Thus the court's order contemplates and calls for retention of the documents until the conclusion of the trial on the cross-complaint, and fails thereafter to finally dispose of the documents entered as exhibits^{4/} or marked for identification, including a

^{4/} Code of Civil Procedure section 1952.2

number of sealed documents which are of particular importance to the plaintiff owners.

The upshot is that disposition of a number of documents is left for the trial court's consideration at the close of trial on the cross-complaint, and the present judgment is not a final judgment.

Inasmuch as counsel informed us at oral argument that trial of the cross-complaint is scheduled to commence in January 1987, the interests of judicial economy would best be served by dismissing the present purported appeal and remanding the cause to the trial court for determination and judgment at the conclusion of the trial on the cross-complaint. In accordance with the general rule (9 Witkin, Cal. Procedure, Appeal, § 56, supra), the appeal will be dismissed; the issues raised herein may be considered upon an appeal from the judgment following trial of the cross-complaint, insofar as they are not then moot.

(Footnote 4 Continued)

provides: "[Up]on a judgment becoming final, at the expiration of the appeal period, unless an appeal is pending, the court, on its discretion, and on its own motion by a written order signed by the judge, filed in the action, and an entry thereof made in the register of actions, may order the clerk to return all of the exhibits and depositions introduced or filed in the trial or a civil action or proceeding to the attorneys for the parties introducing or filing the same." (Emphasis added.)

DECISION

The appeal is dismissed. Each party to bear its own costs on this appeal.

NOT TO BE PUBLISHED

DANIELSON, J.

We concur:

KLEIN, P.J.

HERRINGTON, J.*

* Assigned by the Chairperson of the Judicial Council.

OFFICE OF THE CLERK
COURT OF APPEAL
STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT
CLAY ROBBINS, JR., CLERK

DIVISION: 3 DATE: 01/15/87

Rabinowitz, Boudin, Standard, Krinsky
Eric M. Lieberman
740 Broadway
New York, NY 10003

B005912

RE: Church of Scientology of California, Etc
vs.
Armstrong, Gerald
Hubbard, Mary Sue
2 Civil B005912
Los Angeles No. C420153

PETITION FOR REHEARING DENIED

ORDER DENYING REVIEW
AFTER JUDGMENT BY THE COURT OF APPEAL

2nd District, Division 3, No. B005912

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

SUPREME COURT
FILED

MAR 11 1987

Laurence P. Gill, Clerk

DEPUTY

CHURCH OF SCIENTOLOGY OF CALIFORNIA

v.

ARMSTRONG

Appellants' petition for review DENIED.

RECEIVED

MAR 13 1987

PETERSON & BRYNAN

LUCAS

Chief Justice

001277

001278

EXHIBIT X

1-30-87

JOHN G. PETERSON
PETERSON & BRYNAN
8530 Wilshire Boulevard
Suite 407
Beverly Hills, California 90211
(213) 659-9965

ERIC M. LIEBERMAN
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(212) 254-1111

MICHAEL LEE HERTZBERG
275 Madison Avenue
New York, New York 10016
(212) 679-1167

Plaintiff and Intervenor

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

Filed
File

CHURCH OF SCIENTOLOGY OF CALIFORNIA,

Plaintiff,

vs.

GERALD ARMSTRONG, DOES 1 through
10, inclusive,

Defendants.

MARY SUE HUBBARD,

Intervenor.

GERALD ARMSTRONG,

Cross-Complainant,

vs.

CHURCH OF SCIENTOLOGY OF CALIFORNIA,
a California Corporation, et al.,

Cross-Defendants.

Case No. C 420 153
UNOPPOSED MOTION
TO WITHDRAW MEMORANDUM
OF INTENDED DECISION

DATE:
TIME:
DEPT: 57

F

1 Plaintiff and intervenor hereby move the court for an
2 order withdrawing its memorandum of intended decision, dated
3 June 20, 1984, statement of decision dated July 20, 1984 and
4 judgement dated August 10, 1984, voiding said decisions as
5 legal authority or precedent.

6 As grounds for their motion, movants state:

7 1. On December 18, 1986, the Court of Appeal rendered a
8 decision dismissing movants' appeal from this court's judgment
9 of August 10, 1984, on the ground that such judgment was not an
10 appealable final order. The court made it clear that movants
11 will have the right to pursue their appeals at the appropriate
12 time, presumably upon the entry of a consolidated final
13 judgment by this court. A copy of the Court of Appeal's
14 decision is attached as Exhibit A hereto.

15 2. Accordingly, this court is presently free to withdraw
16 its judgment, memorandum of intended decision, and statement of
17 decision.

18 3. The memorandum of intended decision includes
19 references to purported past practices of the Church and the
20 alleged relationship of Mr. Hubbard to the Church. As the
21 trial court and defendant recognized at trial and defendant
22 acknowledged in his brief to the Court of Appeal, the evidence
23 on such matters was introduced exclusively to show defendant's
24 state of mind. Nevertheless, the court's references to such
25 matters have improperly been cited by others as if they were
26 findings of actual fact.


27 4. The movants have retained their right to prosecute
28 their respective damage claims against Gerald Armstrong in the

1 event that they prevail upon their appeal from this court's
2 August 10, 1984 judgment, which movants intend to reactivate
3 now that the cross-complaint has been dismissed. However, in
4 the interests of judicial economy and in order to terminate
5 this protracted litigation, the movants will forego their
6 appeal and dismiss their remaining damage claims against
7 Armstrong if the court withdraws its Memorandum of Intended
8 Decision.

9 5. Mr. Armstrong has no objection to the granting of
10 this motion or the signing of the proposed Order submitted
11 herewith. Attached at Exhibit B is a statement of
12 non-opposition executed by Mr. Armstrong's counsel.

13 WHEREFORE, the motion should be granted.

14 DATED: January 30, 1987 Respectfully submitted,

15
16 
17 JOHN G. PETERSON
18 PETERSON & BRYNAN
19 8530 Wilshire Boulevard
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22 (213) 659-9965

23 ERIC M. LIEBERMAN
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25 KRINSKY & LIEBERMAN, P.C.
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(212) 679-1167

Attorneys for
Plaintiff and Intervenor

001282

1 neither file any opposition to the Motion to Withdraw nor
2 appear to oppose said Motion.

3 DATED: January 30, 1987

4 CONTOS & BUNCH

5
6 BY: 

7 JULIA DRAGOJEVIC
8 Attorneys for Defendant
9 GERALD ARMSTRONG
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EXHIBIT Y

Date FEB. 2, 1987

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

HONORABLE G BRECKENRIDGE, JR JUDGE
Deputy Sheriff
Court Attendant

R HART Deputy Clerk
N HARRIS Reporter
(Parties and counsel checked if present)

C420153 (Sealed file)
GERALD ARMSTRONG,

X- Counsel for
Plaintiff

VS

CHURCH OF SCIENTOLOGY
OF CALIFORNIA,

X-- Counsel for MICHAEL LEE HERTZBERG ✓ for
Defendant X-deft "Church" and intervenor
M Hubbard

NATURE OF PROCEEDINGS: EX PARTE MOTION OF CROSS-DEFENDANT TO WITHDRAW
MEMORANDUM OF INTENDED DECISION

Motion is called for hearing.

Motion is argued and denied.

001285

DEPT. 57

MINUTES ENTERED

2-2-87

COUNTY CLERK

001286

EXHIBIT Z

1 ERIC LIEBERMAN
2 RABINOWITZ, BOUDIN, STANDARD,
3 KRINSKY & LIEBERMAN, P.C.
4 740 Broadway - Fifth Floor
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8 and Intervenor

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13 Attorney for Intervenor

14 JOHN G. PETERSON
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19 Attorneys for Plaintiff
20 and Intervenor

21 SUPERIOR COURT OF THE STATE OF CALIFORNIA
22 COUNTY OF LOS ANGELES

23 CHURCH OF SCIENOTOLOGY OF
24 CALIFORNIA,

25 Plaintiff,

26 v.

27 GERALD ARMSTRONG,

28 Defendant.

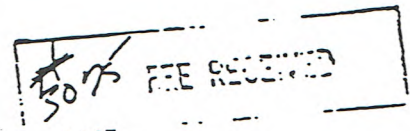
29 MARY SUE HUBBARD,

30 Intervenor.

31 AND RELATED CROSS-ACTION.

Case No. C 420 153

NOTICE OF APPEAL



32 NOTICE IS HEREBY GIVEN that plaintiff Church of
33 Scientology of California and plaintiff intervenor Mary Sue
34 Hubbard appeal from the order herein entitled "Order for Return

001287

1 of Exhibits and Sealed Documents," filed December 11, 1986; the
2 order in the cross-complaint herein entitled "Order Dismissing
3 Action with Prejudice," filed December 11, 1986; and the
4 Judgment herein filed on August 10, 1984. The appeal herein is
5 only from so much of those orders and judgment which denied
6 damages to plaintiff and plaintiff-intervenor on their
7 complaints, and is taken in light of the decision of the Court
8 of Appeal of December 18, 1986, dismissing plaintiffs' prior
9 appeal from the August 10, 1984 judgment on the ground that
10 that judgment would become final and appealable only upon final
11 disposition of defendant's cross-complaint and of all questions
12 concerning the documents at issue.

13 Dated: February 9, 1987

Respectfully submitted,

14 PETERSON & BRYNAN

15
16 By 
17 JOHN G. PETERSON

18 ERIC M. LIEBERMAN
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20 KRINSKY & LIEBERMAN, P.C.
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21 Attorneys for Plaintiff
and Intervenor

22 MICHAEL HERTZBERG
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24 New York, New York 10016
25 (212) 679-1167

26 Attorney for Intervenor
27
28

10-21-91

Second Appellate District, Division Three, No. B025920/B038975
S022840

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

CHURCH OF SCIENTOLOGY OF CALIFORNIA, Appellant

-v.-

GERALD ARMSTRONG, Respondent

And Companion Case

SUPREME COURT
FILED

OCT 17 1991

Robert Wandruff Clerk

DEPUTY

Petition for review DENIED.

LUCAS

Chief Justice

001290

001291

EXHIBIT B8

12-7-91
Ha

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOR THE SECOND APPELLATE DISTRICT

DIVISION: 3

Gerald Armstrong
P.o. Box 751

San Anselmo, CA. 94960

RE: Church of Scientology of California, Etal
vs.

Armstrong, Gerald
Corydon, Bent

2 Civil B038975 / 3025900
Los Angeles NO. C420153

* * REMITTITUR NOTICE * *

Notice is hereby given that the Remittitur has been issued
this date and that the opinion, decision or order entered in
the above entitled cause on 07/29/91 is now final.

* * Affirmed In Part and Reversed In Part. * *

Each Party To Bear Own Costs.

DEC 5 1991

ROBERT N. WILSON, Clerk

By: M. Gavinski

Deputy Clerk

001292